

In the Matter Of:

*IN RE THOMAS GAFFNEY*

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THOMAS GAFFNEY

May 13, 2016

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05/13/2016

**GAFFNEY THOMAS  
IN RE THOMAS GAFFNEY**

1 STATE OF ILLINOIS )  
2 )  
3 COUNTY OF COOK )

4 IN RE: )  
5 )  
6 INTERVIEW OF THOMAS GAFFNEY )

7 The interview of THOMAS GAFFNEY taken  
8 before Renee E. Brass, CSR, RPR, and notary public of  
9 Cook County, Illinois on May 13, 2016, at 11:14 a.m.,  
10 at 300 West Adams Street, Suite 800, Chicago,  
11 Illinois.  
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1 PRESENT:

2 INSPECTOR GENERAL, CITY OF CHICAGO  
3 BY: MR. PETER NEUMER and  
4 MR. KRISTOPHER BROWN  
5 740 North Sedgwick Street, Suite 200  
6 Chicago, IL 60654  
7 312.478.0356  
8 pneumer@chicagoinspectorgeneral.org  
9 kbrown@chicagoinspectorgeneral.org

10 on behalf of the City of Chicago.

11 BY: MR. WILL FAHY

12 on behalf of the Witness.

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1	I N D E X		
2	WITNESS		
2	THOMAS GAFFNEY		
3	EXAMINATIONS		PAGE
4	MR. NEUMER		5
5	E X H I B I T S		
6	NUMBER	DESCRIPTION	PAGE
7	Exhibit No. 1	Advisement of Rights	6
	Exhibit No. 2	Notification of Interview	10
8	Exhibit No. 3	Notification of Allegations	11
	Exhibit No. 4	Receipt Form	11
9	Exhibit No. 5	Transcript of Interview	12
	Exhibit No. 6	Case Supplementary Report	12
10	Exhibit No. 7	General Progress Report	13
	Exhibit No. 8	Officer's Battery Report	60
11	Exhibit No. 9	Tactical Response Report	60
	Exhibit No. 10	Special Order	79
12	Exhibit No. 11	Email	85
	Exhibit No. 12	Supplementary Report	86
13	Exhibit No. 13	In-Car Video System Retrieval	86
		Worksheet	
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			

1 MR. NEUMER: As a preliminary matter, I'm  
2 providing the following information: An independent  
3 and certified court reporter is present today to  
4 provide a verbatim transcript of this interview.

5 To aid in the accuracy of the transcript it  
6 is the custom and practice of court reporters to  
7 audio record the interview. The recording is the  
8 confidential work product property of the court  
9 reporter and will not be provided to any party  
10 including the OIG.

11 If you request, the audio recording will be  
12 discontinued.

13 Officer Gaffney, are you okay with the  
14 court reporter audio recording this interview?

15 THE WITNESS: Yes.

16 MR. NEUMER: Okay. Let the record reflect  
17 today's date is May 13, 2016. The time is 11:14.

18 We are located at 300 West Adams, Suite  
19 800. My name is Peter Neumer, N-E-U-M-E-R. The  
20 court reporter is Renee Brass.

21 And I'll ask the other individuals present  
22 to identify themselves and spell their name for the  
23 record.

24 MR. BROWN: Kristopher Brown, B-R-O-W-N,

1 City of Chicago, office of the Inspector General.

2 THE WITNESS: Officer Thomas Gaffney,  
3 G-A-F-F-N-E-Y, star number 19958, Chicago Police  
4 Department.

5 MR. FAHY: My name is Will Fahy. My last  
6 name is spelled F-A-H-Y.

7 MR. NEUMER: There are no other individuals  
8 present.

9 We are here today pursuant to an  
10 investigation being conducted under Chapter 2-56 of  
11 the municipal code of the City of Chicago. We are  
12 here for an interview of Officer Thomas Gaffney.

13 Mr. Gaffney, would you please raise your  
14 right hand.

15 MR. FAHY: No, he's not going to be sworn.  
16 It's an administrative statement.

17 THOMAS GAFFNEY,  
18 was examined and testified as follows:

19 EXAMINATION

20 BY MR. NEUMER:

21 Q. Okay. I'm now going to show you an  
22 advisement of rights. This has been previously  
23 marked as Exhibit 1.

24 (Gaffney Exhibit No. 1 was marked

1 for identification.)

2 BY MR. NEUMER:

3 Q. And I ask that you read along as I read  
4 this out loud to you. I'll ask you at the end of  
5 each paragraph if you have read the paragraph that I  
6 just read aloud to you.

7 So the advisement states, I, Thomas  
8 Gaffney, understand that I am being interviewed by  
9 Peter Neumer and Kristopher Brown from the City of  
10 Chicago Office of Inspector General.

11 I understand that this interview is part of  
12 an official investigation; that I have a duty to  
13 cooperate with the Office of the Inspector General  
14 which includes answering all questions completely and  
15 truthfully?

16 Officer Gaffney, do you see the paragraph  
17 that I just read aloud to you?

18 A. Yes.

19 Q. I understand that I have no right to remain  
20 silent. I understand that I have an obligation to  
21 answer questions put to me truthfully.

22 I understand that if I refuse to answer  
23 questions put to me, I will be ordered by a superior  
24 officer to answer the questions?

1 I further understand that I have been  
2 advised that if I persist in my refusal to answer  
3 after an order to do so, such further refusal  
4 constitutes a violation of the rules and regulations  
5 of the Chicago Police Department and may serve as the  
6 basis for my discharge.

7 Officer Gaffney, do you see the paragraph  
8 that I just read aloud to you?

9 A. Yes.

10 Q. I understand that I have been advised that  
11 my statements or responses may constitute an official  
12 police report. I understand that Rule 14 of the  
13 Chicago Police Department's rules and regulations  
14 prohibits making a false report, written or oral, and  
15 I further understand that making such a false report,  
16 whether written or oral, may result in my separation  
17 from the Chicago Police Department.

18 Do you see the paragraph I just read aloud?

19 A. Yes.

20 Q. I understand that any statement made by me  
21 during this interview may be used as evidence of  
22 misconduct or as the basis for disciplinary action up  
23 to and including removal or discharge.

24 Do you see that paragraph?

1 A. Yes.

2 Q. I understand that any statement made by me  
3 during this interview and the fruits thereof cannot  
4 be used against me in a criminal proceeding.

5 Do you see that paragraph?

6 A. Yes.

7 Q. I understand that I have the right to have  
8 a union representative or legal counsel of my  
9 choosing present at the interview to consult with and  
10 that I will be given a reasonable time to obtain a  
11 union representative or legal counsel as long as the  
12 interview is not unduly delayed.

13 Do you see that paragraph?

14 A. Yes.

15 Q. I understand that a refusal to answer any  
16 questions or any false, inaccurate or deliberately  
17 incomplete statement by me would constitute a  
18 violation of Chicago Municipal Ordinance 2-56 and may  
19 serve as the basis for my discharge.

20 Do you see that paragraph?

21 A. Yes.

22 Q. I acknowledge that this statement of my  
23 administrative rights has been read aloud to me and I  
24 have been allowed to review this document.

1 Do you see that paragraph?

2 A. Yes.

3 Q. At this time we would ask that you sign the  
4 advisement rights form marked as Exhibit 1.

5 A. Sure.

6 MR. BROWN: Peter and I will witness it  
7 after you.

8 BY MR. NEUMER:

9 Q. At this time I'm going to be putting before  
10 you some exhibits that were previously provided to  
11 you by BIA, so we will just kind of run through  
12 these.

13 MR. FAHY: Before we go any further,  
14 there's something my client wants to state for the  
15 record.

16 THE WITNESS: This statement is not being  
17 given voluntary but under duress. I am only giving  
18 this statement because I know I will be fired if I  
19 refuse.

20 MR. FAHY: In addition to that, I just want  
21 to put an objection on the record to my client being  
22 compelled to give answers today.

23 It is my understanding that there has been  
24 an order entered in the case of the People versus



1 Jason van Dyke by Judge Gaughan and that order  
2 specifically prevents any witnesses or anyone  
3 involved in that case from providing statements in  
4 any way related to the evidence in that case, so I'm  
5 objecting to these proceedings, that it puts my  
6 client in potential violation of a Court order.

7 MR. NEUMER: All right. Your objection is  
8 noted for the record.

9 (Gaffney Exhibit No. 2 marked for  
10 identification.)

11 BY MR. NEUMER:

12 Q. Officer Gaffney, I'm going to hand to you  
13 what has been previously marked as Exhibit 2,  
14 document entitled notification of interview.

15 Have you seen this Exhibit 2 prior to  
16 today?

17 A. Yes.

18 Q. And did BIA provide you with this document  
19 on or about April 26, 2016?

20 A. Yes.

21 Q. Is that your signature at the bottom of  
22 Exhibit 2?

23 A. Yes, it is.

24 (Gaffney Exhibit No. 3 marked for

1 identification.)

2 BY MR. NEUMER:

3 Q. I'm now going to hand you what has been  
4 previously marked as Exhibit 3. It's a notification  
5 document entitled notification of allegations.

6 Have you seen this Exhibit 3 document  
7 before?

8 A. Yes.

9 Q. And did the BIA provide you with this  
10 document on or about April 26?

11 A. Yes.

12 Q. And is that your signature on page 2 of  
13 Exhibit 3?

14 A. Yes.

15 (Gaffney Exhibit No. 4 marked for  
16 identification.)

17 BY MR. NEUMER:

18 Q. I'm going to hand you what has been  
19 previously marked Exhibit 4, a document titled  
20 receipt form.

21 Have you seen this receipt form prior to  
22 today?

23 A. Yes.

24 Q. And did BIA provide you this receipt form

1 on or April 26, 2016?

2 A. Yes.

3 Q. And is that your signature on page 2 of the  
4 receipt form?

5 A. Yes, it is.

6 (Gaffney Exhibit No. 5 marked for  
7 identification.)

8 BY MR. NEUMER:

9 Q. Okay. I'm now going to provide you with  
10 what is marked as Exhibit 5. This is a transcript of  
11 an interview conducted by IPRA. It occurred on  
12 October 21, 2014.

13 Have you seen this Exhibit 5 transcript  
14 prior to today?

15 A. Yes.

16 Q. Did BIA provide you with this Exhibit 5  
17 transcript on or about April 26, 2016?

18 A. Yes.

19 (Gaffney Exhibit No. 6 marked for  
20 identification.)

21 BY MR. NEUMER:

22 Q. I'm now going to hand you what has been  
23 previously marked as Exhibit 6, which is an excerpt  
24 of a CPD case supplementary report dated March 16,

1 2015 with the RD number HX475653, which contains  
2 Officer Gaffney's statement to Detective March.

3 Officer Gaffney, have you seen this Exhibit  
4 6 report prior to today?

5 A. Yes, I have.

6 Q. And did BIA provide you with this Exhibit 6  
7 report on or about April 26, 2016?

8 A. Yes.

9 (Gaffney Exhibit No. 7 marked for  
10 identification.)

11 BY MR. NEUMER:

12 Q. Okay. I'm now going to hand you what has  
13 been previously marked as Exhibit 7, a general  
14 progress report dated October 20, 2014, with the RD  
15 number HX475653 containing Detective March's notes of  
16 his interview of Officer Gaffney.

17 Officer Gaffney, have you seen this  
18 Exhibit 7 report prior to today?

19 A. Yes, I have.

20 Q. Did BIA provide you with this document on  
21 or about April 26, 2016?

22 A. Yes.

23 Q. In order to prepare for your interview  
24 today, did you review the materials we provided you

1 through BIA, the Exhibit 2 through 7 that we just put  
2 in front of you?

3 A. Yes.

4 Q. And the materials that were provided to you  
5 by BIA also included video from the in-car video  
6 system of vehicles 813 and 845 Robert; is that  
7 correct?

8 A. Yes.

9 Q. There was video from a Dunkin' Donuts  
10 security camera as well; is that correct?

11 A. Yes.

12 Q. You reviewed those videos as well in  
13 preparation for today's interview?

14 A. Actually no, I did not look at those  
15 videos.

16 Q. Since receiving our notice of interview,  
17 did you review any materials other than the materials  
18 we provided you through BIA?

19 A. No, just what I have.

20 Q. Aside from your attorney, did you speak to  
21 anyone in preparation for this interview?

22 A. No.

23 MR. NEUMER: At this time, Counsel, we  
24 spoke briefly. It's my understanding that you are

1 okay with us providing you, with Officer Gaffney the  
2 transcript of Officer Gaffney's statement today  
3 within 72 hours of our, the OIG's receipt of that  
4 statement; is that fair to say?

5 MR. FAHY: That's fair to say.

6 MR. NEUMER: Okay. At this time we'll just  
7 get into some background questions.

8 MR. BROWN: Before that, I have to collect  
9 these back.

10 MR. NEUMER: We will give them to you at  
11 the appropriate time so you have whatever materials  
12 you need to answer any questions.

13 MR. BROWN: And the transcript you receive,  
14 all the exhibits will be attached.

15 MR. NEUMER: I should have noted  
16 beforehand, there's water, there's beverages.  
17 There's some snacks available. If at any time you  
18 need to take a break or consult with your attorney,  
19 just let us know.

20 BY MR. NEUMER:

21 Q. Okay. Could you tell us your full name,  
22 your star number and your current unit of assignment.

23 A. Thomas Gaffney, G-A-F-F-N-E-Y. My star is  
24 19958. I work in the 8th district.

1 Q. What was your unit of assignment as of  
2 October 20, 2014?

3 A. Same unit, 8th district.

4 Q. What watch were you on as --

5 A. First watch, midnights.

6 Q. What was your chain of command as of  
7 October 20, 2014?

8 A. What do you mean by chain of command?

9 Q. Who is your sergeant, lieutenant?

10 A. Sergeant was Steven Franco. My lieutenant  
11 is Lieutenant Cook.

12 Q. Do you remember who your commander was?

13 A. I believe it was McNaughton.

14 Q. Did you report to any other lieutenants at  
15 that time?

16 A. No. Just Lieutenant Cook was our top  
17 person on our watch.

18 Q. Can you provide your cell phone number for  
19 the record, your personal cell phone number.

20 A. It's [REDACTED].

21 Q. Was that your cell phone number as of  
22 October 20, 2014?

23 A. Yes.

24 Q. Officer Gaffney, you were present when

1 Laquan McDonald was shot on October 20, 2014; is that  
2 correct?

3 A. Not in the area when he was shot. I was --  
4 that day, yes, I was there in that general area.

5 Q. You were in the general area?

6 A. General area, yes.

7 Q. What I want you to do for us is to walk us  
8 through your actions immediately following the  
9 shooting of Laquan McDonald.

10 I'm assuming you were still in the 815  
11 Robert vehicle, correct?

12 A. Yes, I was.

13 Q. So I want you to walk us through what  
14 happened following the shooting for you personally.

15 A. Well, after I got onto Pulaski, I exited my  
16 vehicle. This was after all the shots were done that  
17 I heard.

18 I got out of my vehicle, walked pretty much  
19 to the middle of the street because there were other  
20 vehicles in front of mine, walked pretty much to the  
21 middle of the street and then went towards where all  
22 the officers were.

23 Q. So you parked your vehicle?

24 A. Yes.



1 Q. That's the 815 Robert vehicle?

2 A. Yes.

3 Q. Where did you park your vehicle?

4 A. Right where the stoplight is, it's roughly  
5 41st.

6 Q. 41st and Pulaski?

7 A. Right. There's a stoplight right at the  
8 Burger King.

9 Q. So you park your vehicle there and then you  
10 go to the middle of the intersection?

11 A. Yes. I went pretty much to the middle of  
12 the intersection because I went around some cars and  
13 I went towards where the officers were, south towards  
14 where the officers were, where the main vehicles  
15 were, 845 Roberts vehicle was.

16 Q. So you were in the intersection of 41st and  
17 Pulaski, correct?

18 A. Not the intersection. I just pulled onto  
19 Pulaski right by the curb lane. That's where my  
20 vehicle stopped.

21 Q. You stopped your vehicle there and then you  
22 walk to the middle of the intersection?

23 A. Yes. I went to the middle and then I went  
24 south in the middle, pretty much in the middle of the

1 intersection towards where all the other officers  
2 were.

3 Q. That's the intersection of 41st and Pulaski  
4 that you were in the middle of?

5 A. Just -- yes, where I first got out of my  
6 car, yes, and then I went a little bit south, so just  
7 a little bit south of there.

8 Q. When you went south, were you near Officer  
9 Van Dyke and Officer Walsh's vehicle?

10 A. Yeah, that's pretty much where I went  
11 towards.

12 Q. When you go there, what happens? You walk  
13 over to those officers?

14 A. I just seen that there was a male black  
15 laying on the ground. Obviously everybody was just  
16 trying to make sure nobody came near the area, tried  
17 to stop cars to make sure the intersection was clear,  
18 and people were on their radio asking for an  
19 ambulance and telling them what happened, and then I  
20 just walked around. That's just pretty much it.

21 Q. So when you were walking around, what were  
22 you doing?

23 A. Just looking, just to see what happened.

24 Q. Were you talking to anybody when you were

1 walking around?

2 A. No, not at that immediate time, no.

3 Q. Had you been given any assignments as to  
4 what to do?

5 A. No.

6 Q. Were you doing traffic control?

7 A. No. As I said, there were other cars that  
8 were coming that had pretty much like blocked off the  
9 intersection, blocked off the street.

10 I, just like I said, I just walked back,  
11 looked to what happened, and I just walked back  
12 trying to find my partner.

13 Q. At any time while you were at the scene of  
14 the shooting, did you ever see any officers directing  
15 civilian witnesses away from the scene?

16 A. No.

17 Q. Did you ever direct any civilian witnesses  
18 away from the scene?

19 A. No.

20 Q. Did you find your partner eventually?

21 A. Yeah.

22 Q. What happened once you found your partner?

23 A. I believe we kind of went back to where our  
24 vehicle was. By that time there was more ambulances

1 coming, fire trucks coming, other officers around the  
2 area.

3 Q. Did you go back to sit inside your vehicle?

4 A. No. We just went to the general area where  
5 our vehicle was.

6 Q. Once you got back to your vehicle, what did  
7 you and Officer McElligott do?

8 A. Nothing. We were just like looking at our  
9 vehicle, trying to figure out what happened, because  
10 like I said, I didn't see exactly what happened in  
11 the intersection or where the shots were fired at, so  
12 we were just trying to talk about what had happened,  
13 who did what.

14 Q. Do you recall what Officer McElligott said  
15 about what he thought had happened at the scene?

16 A. No, I don't remember that.

17 Q. Did you tell him what you thought had  
18 happened at the scene?

19 A. No, no. Like I said, it was just  
20 everything going on at that time. We were just  
21 trying to get everything together. Checked out our  
22 vehicle. Tire was flattened.

23 I just told him I just heard the shots from  
24 when I was behind the Burger King.

1 Q. So after you and Officer McElligott got --  
2 let me ask you this briefly: Officer McElligott was  
3 your partner then, correct?

4 A. Yes.

5 Q. Was he your regular partner?

6 A. Yes, at the time, yes.

7 Q. How long had you two been partners?

8 A. Maybe six months to a year, in that area  
9 type of thing.

10 Q. Do you and Officer McElligott socialize  
11 outside of work?

12 A. Not that much, no, not really.

13 Q. How about with respect to some of the other  
14 officers who were at the scene that night, just want  
15 to rundown a couple of these folks. How about  
16 Officer Van Dyke, what was your relationship with  
17 Officer Van Dyke prior to the night of October 20,  
18 2014?

19 A. Just work related.

20 Q. Work related?

21 A. Yeah.

22 Q. No socialization?

23 A. No, never.

24 Q. How long had you worked with Officer Van

1 Dyke?

2 A. I want to say he was in the district maybe  
3 about six months or so, maybe a year at the most.

4 Q. Had you worked ever with him as a partner?

5 A. I believe I did once.

6 Q. One shift with Officer Van Dyke?

7 A. I believe once.

8 Q. How about Officer Walsh, what was your  
9 relationship with Officer Walsh prior to --

10 A. Same thing, just work related.

11 Q. How long had you worked in the same  
12 district with Officer Walsh?

13 A. Obviously a little bit longer, maybe a  
14 couple years, if that, but yes.

15 Q. Had you worked as partner with Officer  
16 Walsh?

17 A. Maybe a couple times, maybe three or four,  
18 if that.

19 Q. Couple shifts?

20 A. If that.

21 Q. Officer Viramontes, what was your  
22 relationship with him prior to October 20, 2014?

23 A. Pretty much the same thing. I mean, I know  
24 him a little bit more outside of work.

1 Q. How do you know officer --

2 A. I actually went to high school with him.

3 Q. So you guys had known each other for a  
4 while?

5 A. Not real good friends. I knew him from  
6 high school. And then we kind of -- as we worked, we  
7 realized we went to high school and stuff like that  
8 together.

9 Q. Got you. Okay. Not close friends?

10 A. Not close, close friends, no.

11 Q. Got you. How about Officer Sebastian,  
12 Daphne Sebastian?

13 A. No, just work related.

14 Q. And how long had you worked in the 8th  
15 district with her?

16 A. I don't know just how long she has been  
17 there. Like I say, I have been in the 8th since  
18 2001, the summer area, so however long she has been  
19 there.

20 I think she started or she -- I think her  
21 whole career was pretty much I think in 8th district,  
22 so however long she has been there, I don't remember.

23 Q. Have you worked as a partner with her on  
24 some shifts?

1 A. I think one or twice.

2 Q. Officer Mondragon?

3 A. Same, same thing. Just work related. Same  
4 thing. As long as she has been in the district  
5 because I have more time than pretty much everybody.

6 Q. Done a couple shifts with her as a partner?

7 A. I don't know. Maybe once or twice maybe,  
8 but not too much with her either.

9 Q. Officer Fontaine?

10 A. Same thing, work related.

11 Q. No socialization?

12 A. No.

13 Q. Officer Velez, Leticia Velez?

14 A. No. They're -- I believe she is afternoon  
15 watch, so I've never worked with her.

16 Q. No socialization with Office Velez?

17 A. No.

18 Q. Officer Bacerra?

19 A. Same thing.

20 Q. No socialization with Officer Bacerra?

21 A. No.

22 Q. So you and your partner are at your vehicle  
23 sort of trying to figure out what happened; is that  
24 correct?



1 A. Yeah.

2 Q. So then what happens after that and where  
3 is the next place you go after your vehicle?

4 A. Pretty much we just stayed in that area.  
5 Like I said, that's when the bosses came and  
6 everybody else was coming.

7 They're just trying, like I said, just  
8 making sure everything goes smoothly if you will.  
9 Nobody goes into the crime scene or does anything  
10 that they shouldn't be doing.

11 Q. Sure. Who is the first person other than  
12 Officer McElligott that you speak to at the scene  
13 about the shooting?

14 A. I don't remember that.

15 Q. Do you recall speaking to sort of any of  
16 the lieutenants or sergeants at the --

17 A. Later, yeah, the sergeant we did.

18 Q. Which sergeant was that?

19 A. That's Sergeant -- the one I just --

20 Q. Franco?

21 A. Franco, yes.

22 Q. You had a conversation. Was this at the  
23 scene?

24 A. Yes.

1 Q. Tell us about the conversation you had with  
2 Sergeant Franco.

3 A. Just pretty much the basic telling what  
4 happened or what our timeline was from what happened  
5 to -- from the time we got the job to where we ended  
6 up.

7 Q. About how long after the shooting do you  
8 think that conversation occurred?

9 A. I don't remember. Maybe 15, 20 minutes or  
10 so, maybe that.

11 Q. Was Sergeant Franco taking any notes during  
12 that conversation?

13 A. Not that I remember, no.

14 Q. Do you think he was the first person you  
15 sort of gave a narrative of the event to?

16 A. I don't remember, but it could be possible.

17 Q. Do you remember speaking to detectives at  
18 the scene of the shooting that night?

19 A. Yes.

20 Q. Do you remember which detectives you spoke  
21 to?

22 A. No, I don't.

23 Q. If I told you you spoke to a Detective  
24 March, does that name ring a bell?

1 A. Not really. Just from reviewing the notes.  
2 I'll be honest, I never, to my knowledge, never met  
3 him before that night.

4 Q. Couldn't pick him out of a lineup?

5 A. No, I couldn't.

6 Q. You do recall having a conversation with a  
7 detective though?

8 A. Yes.

9 Q. Tell us about that conversation.

10 A. I know in the beginning there were a  
11 couple -- two detectives I believe it was that we  
12 actually went in their car with because they went  
13 back to the original scene where we first encountered  
14 the two, male and female Hispanic.

15 We went there and we just showed them this  
16 is where we came in contact with him, and then we  
17 drove the whole route from that point to all the way  
18 back to where our car finally ended up.

19 Q. So you did sort of a drive-through of the  
20 events of that evening?

21 A. Yes.

22 Q. And was it you and Officer McElligott?

23 A. Yes, I believe so, yes.

24 Q. Then there was two detectives with you?

1 A. I believe so. Pretty sure it was two.

2 Q. Were you in the detectives' vehicle?

3 A. Yes.

4 Q. So at some point detectives approached you  
5 and asked you to do a drive-through of the scene?

6 A. Yeah.

7 Q. But you don't recall who those detectives  
8 were?

9 A. No, I don't remember who they were, not at  
10 that time, no.

11 Q. So tell us about that drive-through that  
12 you did with them.

13 A. Like I say, we just went back to where we  
14 originally encountered the male and female Hispanic.  
15 We told them we pulled up and talked to them real  
16 quick and then they showed -- they told us the male  
17 black went around the corner.

18 So we drove down, around the corner and we  
19 told them pretty much where we kind of encountered  
20 him and then what we did.

21 My partner got out, and then we continued  
22 to drive with them. And then we went to Karlov where  
23 we actually came in contact -- well, where I used my  
24 vehicle to try and slow him down to stop him and then

1 where he did what he did, and then we just -- then we  
2 went -- continued through the Burger King lot.

3 I showed them that this is where my car  
4 went and the other car went this way and then I --  
5 how I had to go around the Burger King and then where  
6 my vehicle finally ended up.

7 Q. Do you recall whether those detectives were  
8 taking notes during that drive-through?

9 A. I don't remember that, no.

10 Q. So after that drive-through ended, where  
11 did you go?

12 A. I believe we just pretty much stayed with  
13 our car. We were in that area.

14 Q. Did you speak to any other detectives that  
15 night at the scene of the shooting?

16 A. I'm sure I did, but I don't know. I don't  
17 remember how many or who it was.

18 Q. Okay. Did you talk to any other  
19 supervisors at the scene?

20 A. Yes. Actually our captain, Captain Rexall  
21 was there, call it Captain Walsh. He was also there.

22 Q. Captain Rexall, do you know how you  
23 spell --

24 A. Walsh.

1 Q. Captain Walsh comes to the scene?

2 A. Yeah, he was there also.

3 Q. And did you have a conversation with  
4 Captain Walsh?

5 A. Yes.

6 Q. Can you tell us about that conversation?

7 A. I believe it was just pretty much the same  
8 thing, what happened, because I know -- and then we  
9 showed him our car and stuff like that, because I  
10 know a little bit later he had helped us change our  
11 tire on our car.

12 Q. Captain Walsh?

13 A. Yes.

14 Q. Do you recall having any conversations with  
15 a Deputy Chief McNaughton?

16 A. I'm sure we did, but I don't recall exactly  
17 what we did or what we actually told him.

18 Q. So while you were at the scene, is it fair  
19 to say you had several conversations with different  
20 supervisors regarding what had occurred to you that  
21 night?

22 A. Yes.

23 Q. Okay. Did you at any time while you were  
24 at the scene of the shooting speak to any of the

1 officers who were present during the shooting?

2 A. Yeah, I believe I spoke to Officer Walsh  
3 and I believe Officer Sebastian also. I mean,  
4 nothing in depth, but just what happened type of  
5 thing.

6 Q. Do you recall what Officer Walsh said when  
7 you had --

8 A. No, I don't remember that.

9 Q. You also had a conversation with Officer  
10 Sebastian?

11 A. I believe so.

12 Q. Do you recall what that conversation was  
13 regarding?

14 A. No, I don't.

15 Q. Do you remember having a conversation at  
16 any time with Officer Van Dyke at the scene of the  
17 shooting?

18 A. No, I don't believe I did.

19 Q. How about any of the other officers that  
20 were -- besides Sebastian, besides Walsh, besides Van  
21 Dyke, do you recall having any conversation with any  
22 of the other officers who were present?

23 A. Not specifically, but I'm sure I might have  
24 like interacted with every -- a few people, but not

1 exactly like in-depth conversations.

2 Q. Right. So at any time while you were at  
3 the scene, did you hear Officer Van Dyke describe the  
4 shooting to anyone else?

5 A. No, I didn't.

6 Q. Did you hear Officer Van Dyke talking to  
7 anyone at the scene, overhear -- regardless of  
8 whether it was about the shooting or otherwise?

9 A. No, I didn't hear no conversation with him.

10 Q. Did you hear at any time detectives having  
11 conversations with other witnesses to the shooting?

12 A. No, not that I know of.

13 Q. Okay. Did you ever hear any detectives  
14 describing the events that took place that night to  
15 officer witnesses?

16 A. What do you mean describe?

17 Q. Sort of relating the events that occurred  
18 to officer witnesses.

19 A. No, not that I know of.

20 Q. Did you at any time while you were at the  
21 scene shooting see any video of the shooting?

22 A. I actually -- I believe it was 13 Roberts  
23 car, I just like maybe like -- it was on their inside  
24 camera. I think it was maybe a five-second little



1 clip that somebody played it back and that was it.

2 Q. So were you being shown the video, or did  
3 you just happen to walk by?

4 A. No. I think somebody -- like I say, I just  
5 looked. Somebody was -- played it, if you will, and  
6 I think I just kind of looked in the car and just  
7 seen like a real quick little part of it.

8 Q. Do you recall who was playing the video?

9 A. No, I don't.

10 Q. Did anyone make any comments about the  
11 video while you were there?

12 A. No, not that I remember.

13 Q. Did you talk to anyone about what you had  
14 seen on the video at the scene of the shooting?

15 A. I don't believe so. Like I said, just the  
16 same thing. We just like seen a little five-second  
17 clip of it or a little blip of it.

18 Q. Did you talk to any FOP representatives at  
19 the scene of the shooting?

20 A. At the scene? I don't remember if they  
21 were at the scene or not, but I believe they might  
22 have been, but I don't know if I talked to them at  
23 the scene.

24 Q. Do you recall seeing any FOP reps at the

1 scene of the shooting?

2 A. I don't remember that, no. I'm not sure.

3 Q. So after you got back from the ride through  
4 with the two detectives, did you leave your vehicle  
5 after that point?

6 A. No. Pretty much we stayed with our vehicle  
7 at that time.

8 Q. So when you were having conversations with  
9 various supervisors, were they coming to your  
10 vehicle?

11 A. Yeah, for the most part, because, like I  
12 said, that's where our car was, our tire was  
13 flattened and then the mark in the windshield, so  
14 pretty much that's where we were showing everybody.

15 Q. When you were changing the tire with  
16 Capital Walsh, had you moved the vehicle at that  
17 point or were you --

18 A. No, it stayed there until we -- well,  
19 actually if I'm not mistaken, somebody else actually  
20 brought it back to the area.

21 Q. At any point while you were at the scene of  
22 the shooting, did you hear officers trying to make  
23 sure their stories were in alignment?

24 A. No.

1 Q. At any time while you were at the scene,  
2 did you hear officers, besides yourselves, discussing  
3 what they thought had occurred or what they thought  
4 they saw?

5 A. No.

6 Q. At any time while you were at the scene of  
7 the shooting did you and Officer McElligott compare  
8 stories as to what you had seen?

9 A. Not compare, but we just talked about it,  
10 yes.

11 Q. Were there any disagreements between you  
12 and Officer McElligott as to what you had seen?

13 A. No, because like I say, we were pretty much  
14 together the whole time.

15 MR. NEUMER: So at this time I'm going to  
16 give my colleague an opportunity to ask clean-up  
17 questions with respect to -- if that's okay, Counsel,  
18 with respect to the scene of the shooting.

19 I know the CBA says one questioner. We can  
20 save all the questions to the end. We like to do it  
21 section by section. It just goes a little quicker.

22 MR. FAHY: That's fine.

23 MR. NEUMER: Okay.

24 BY MR. BROWN:

1 Q. After you got out of the vehicle near 41st  
2 and Pulaski, approximately how long was it before you  
3 met back up with Officer McElligott?

4 A. I don't remember. Maybe a couple of  
5 minutes maybe.

6 Q. So not that long of a time?

7 A. No, not that long.

8 Q. Could you see what Officer McElligott was  
9 doing in the interim, that time between when you got  
10 out of the car and before you met back up with him a  
11 couple of minutes later?

12 A. No. I didn't know where he went, because  
13 like I said, I went around the Burger King to get  
14 back onto Pulaski and I didn't know where he went  
15 after that.

16 Q. When you guys did meet up and talk, did he  
17 tell you what he was doing?

18 A. I believe, like I said, I believe he said  
19 he ran out to -- out onto Pulaski. I believe there  
20 was another squad car there and like just kind of  
21 waved it through, and then he pretty much was -- like  
22 pretty much stayed at that area.

23 Like I don't know if he said he blocked  
24 traffic or tried to stop other traffic and let the

1 squad cars go in front of him.

2 Q. Did McElligott make any statements to the  
3 effect of I didn't want to see what was going on, I  
4 turned my head, so I didn't see the incident?

5 A. No, he never said that.

6 Q. Do you recall sending any text messages  
7 that evening of October 20, 2014, to any of your  
8 colleagues?

9 A. No.

10 Q. Do you recall any of your colleagues  
11 sending text messages to you that night about the  
12 incident?

13 A. No. The only funny thing is my lieutenant  
14 actually called me right in the middle of this saying  
15 that I had court or something like that, which I mean  
16 had nothing to do with this incident, but, yeah.

17 He just happened to call me right during  
18 the middle of this incident. That was the only thing  
19 that I can think I had on my phone.

20 Q. That was going to be my next question.

21 A. Okay.

22 Q. Did anybody call you about anything?

23 A. Yeah.

24 Q. Sounds like nothing related to the

1 incident?

2 A. No, nothing. I think he called me saying I  
3 had court or something like that type of thing.

4 Q. Do you recall any calls or text messages  
5 the next day or the days following the incident,  
6 anybody wanted to kind of --

7 A. Not that I remember, no.

8 Q. Okay. You told us you kind of had a ride  
9 along with detectives and you took them around where  
10 you spoke with the male Hispanic and the female  
11 Hispanic, the ones that made the initial complaint?

12 A. Yes.

13 Q. After you got done with them, do you recall  
14 speaking with any detectives who kind of asked you  
15 for your impression as to what happened?

16 A. No.

17 Q. Wanted a rundown of, hey, what was your  
18 observations that night?

19 A. What do you mean by observations?

20 Q. Like pretty much trying to figure out -- we  
21 assume at some point some detective spoke to you and  
22 got the rundown of all your observations that night  
23 starting from at the truck yard all the way to the  
24 point where your car stopped at Pulaski.

1 A. Uh-huh.

2 Q. Just trying to figure out if maybe that  
3 conversation occurred while you were in the car with  
4 those detectives or if maybe there was another  
5 conversation you might have had.

6 A. We spoke to detectives different parts of  
7 the scene. We were talking to them while we were in  
8 the car and after we ride in the car, we spoke to  
9 more people.

10 Q. So those other detectives you spoke to  
11 outside of the car, you might have also told them the  
12 whole cycle of events from that night?

13 A. Yes.

14 Q. Okay. Do you recall any detective coming  
15 up to you and introducing themselves as I'm the lead  
16 detective on this investigation?

17 A. Now that I don't remember, no.

18 Q. Okay. Those other detectives you spoke to,  
19 do you recall any of them having like a notepad and  
20 taking notes based on what you were telling them?

21 A. Like I said, I don't remember, but they  
22 could have been. I don't remember though.

23 Q. Those other detectives you spoke to, do you  
24 have any idea or recollection of where these

1 conversations occurred?

2 A. What do you mean other ones?

3 Q. Outside of the two that you spoke to in the  
4 vehicle.

5 A. No. Just pretty much right where our  
6 vehicle was, stuff like that, in that area.

7 Q. After you got done with the detectives  
8 doing the ride along, I know you said you were kind  
9 of standing near the car. Were you then given any  
10 particular assignment to do anything?

11 A. No, not really, no.

12 Q. Just kind of just maintain and just wait  
13 until --

14 A. Yeah, pretty much. Just stayed there  
15 because at the time every -- well, the offender was  
16 already in the ambulance and gone by that time, so  
17 there was just pretty much the traffic was already  
18 blocked off, so it was pretty much a -- the scene was  
19 pretty much quarantined or held down.

20 Q. Got you. Were you ordered to complete any  
21 paperwork?

22 A. Not at that time, no.

23 Q. Were you ordered to complete some  
24 paperwork, I guess, at a later time?



1 A. We did paperwork after that later.

2 Q. Not at the scene?

3 A. Not at the scene, I didn't.

4 Q. Was that paperwork completed at the area?

5 A. Depends who is doing it, but there was  
6 another car assigned to do the actual case report and  
7 then the detectives do their stuff, but not at the  
8 scene, no, we didn't do any paperwork.

9 Q. We are going to get to it a little bit  
10 later in the interview, we will talk about what  
11 happened at the area.

12 A. Right.

13 Q. Just wanted to make sure at the scene you  
14 didn't have to complete any paperwork?

15 A. No.

16 Q. I know you mentioned walking behind and  
17 seeing a video in 813 Roberts car?

18 A. Uh-huh.

19 Q. Do you recall if that was a sergeant that  
20 was operating the video?

21 A. No, I don't remember who, yeah.

22 Q. Just a wild stab, do you recall if the  
23 person showing the video was an exceptionally large  
24 person, very tall, maybe 6'6", 6'7"?

1 A. Wow. I don't even think there's somebody  
2 in that district like that that I know of.

3 Q. Okay. Just a person we have an idea of.  
4 All right.

5 Do you recall what portion of the video you  
6 saw? I know it was a very small snippet, but do you  
7 recall what you saw?

8 A. No, I don't, no.

9 Q. Other than that five-second snippet that  
10 you saw at the scene, did you see any other videos?

11 A. No.

12 MR. BROWN: That covers all my --

13 MR. FAHY: Are you referring at the scene  
14 just to clarify?

15 BY MR. BROWN:

16 Q. Yeah. I'm referring at the scene of the  
17 shooting near 41st and Pulaski outside of the video  
18 of 813 Roberts car, did you see any other videos?

19 A. No, I didn't.

20 MR. BROWN: Thank you. That's all my  
21 questions.

22 BY MR. NEUMER:

23 Q. Just following up on that, at any time at  
24 the scene of the shooting did you see any of the

1 other officers watching video of the shooting?

2 A. No, not that I know of.

3 Q. Do you know whether Officer McElligott saw  
4 a video of the shooting at the scene?

5 A. I don't know. Not that I remember.

6 Q. At this time I'm going to show you, put in  
7 front of you I think it's Exhibit 6. This is the  
8 case supplementary report. I'm going to ask you a  
9 few questions about Exhibit 6. We'll give you  
10 Exhibit 7, GPR as well, but I'm going to direct your  
11 attention to Exhibit 6.

12 So if you can just take a moment and look  
13 over the Exhibit 6, your statement in Exhibit 6. I'm  
14 going to ask you a few questions about that.

15 So the statement that's attributed to you  
16 by Detective March, does that statement that you just  
17 reviewed, does that generally accurately reflect what  
18 you stated to the detectives on October 20, 2014?

19 A. Yes.

20 Q. I want to just go line by line over a few  
21 statements just with respect to each of these  
22 statements. I'm going to direct you to page 12 of  
23 the report. I'm going to ask you two questions.  
24 First question will be whether the statement that is

1 in the Exhibit 6 report, whether you made that  
2 statement to a detective on the night of October 20,  
3 2014, and then the second question is whether that  
4 statement is true.

5 Okay. First question is just did you make  
6 the statement and the second is is that an accurate  
7 statement.

8 So let's see. Directing your attention to  
9 the third paragraph -- second full paragraph on  
10 page 12, McDonald began to run eastbound through the  
11 restaurant parking lot on the north side of the  
12 Burger King building.

13 Did you make that statement to a detective  
14 on October 20, 2014?

15 A. I believe so.

16 Q. Is that statement accurate?

17 A. Yes, fairly accurate, yes.

18 Q. Is there anything in there that you think  
19 is inaccurate or --

20 A. No.

21 Q. Okay. Next sentence, he ran out onto  
22 Pulaski and then turned and ran southbound on  
23 Pulaski.

24 Again, did you make that statement to a

1 detective on October 20, 2014?

2 A. I don't recall if I made it to a detective,  
3 but, yeah, I believe I probably said that, yes.

4 Q. And is that statement accurate?

5 A. Yes.

6 Q. Next sentence, Beat 845 Robert pursued  
7 McDonald in their police vehicle eastbound through  
8 the parking lot over the curb at Pulaski, then  
9 southbound on Pulaski.

10 Did you make that statement to a detective  
11 on October 20, 2014?

12 A. I believe so, yes.

13 Q. Is that statement accurate?

14 A. Yes.

15 Q. Officer Gaffney lost sight of McDonald when  
16 he turned southbound on Pulaski.

17 Did you make that statement to a detective?

18 A. Yes.

19 Q. And is that statement accurate?

20 A. Yes.

21 Q. Because of the flat tire on his vehicle,  
22 Officer Gaffney did not drive over the curb.

23 Did you make that statement to a detective  
24 on October 20?

1 A. Yes.

2 Q. And is that statement accurate?

3 A. Yes.

4 Q. As he drove around onto Pulaski, Gaffney  
5 heard multiple gunshots in rapid succession.

6 Did you make that statement to a detective  
7 on October 20?

8 A. Yes.

9 Q. Is that statement accurate?

10 A. Yes.

11 Q. He did not see who was shooting.

12 Did you make that statement to a detective?

13 A. Yes.

14 Q. On October 20, yes?

15 A. Yes.

16 Q. If I can finish the question, it will just  
17 be better a record.

18 A. Sorry.

19 Q. No problem. You are a step ahead of me.

20 And is that an accurate statement?

21 A. Yes.

22 Q. When he reached Pulaski, McDonald was  
23 laying on the ground.

24 Did you make that statement to a detective

1 on October 20, 2014?

2 A. When I finally -- yes.

3 Q. And is that statement accurate?

4 A. Yes.

5 Q. So did you see McDonald get shot?

6 A. No.

7 Q. By the time you saw McDonald on the ground,  
8 had the shooting stopped?

9 A. Yes.

10 Q. So where were you in your vehicle, walk us  
11 through once you decided not to drive over the curb,  
12 how you proceeded out on to Pulaski.

13 A. I had stopped -- it was the north side of  
14 the building in the parking lot.

15 Q. Burger King?

16 A. Yes. I stopped where the curb was because  
17 I knew like my tire was flat. I didn't know if I  
18 would be able to get over it, so I reversed, went  
19 west on the west and north side of the building, then  
20 behind the building, I went south and then turned and  
21 came back east around the building again, pretty much  
22 doing like a horseshoe almost and went towards  
23 Pulaski.

24 Q. Okay. So how did you eventually get out on

1 to Pulaski?

2 A. There's pretty much where the red light is,  
3 the light at 41st, there's a driveway because the  
4 trucks -- I don't know if the trucks use that also,  
5 the Burger King with their drive-through and that  
6 drive-through also comes out on to that little area,  
7 that street.

8 Q. And the driveway exits onto Pulaski?

9 A. Yes.

10 Q. It exits onto the west side of Pulaski; is  
11 that correct?

12 MR. FAHY: No. That's actually --

13 THE WITNESS: Well, yeah. Pulaski, it will  
14 be the west side of Pulaski where the Burger King is  
15 also. That's where the --

16 MR. BROWN: Both sides. The drive-through  
17 is on the south side of the Burger King.

18 MR. NEUMER: Right. The Burger King is on  
19 the west side, so it's --

20 MR. BROWN: It's on the west side of  
21 Pulaski, yeah.

22 BY MR. NEUMER:

23 Q. So then you get out, you exit the Burger  
24 King onto Pulaski in the 815 Roberts vehicle, right?



1 A. Yes.

2 Q. And then which direction do you turn out of  
3 the Burger King?

4 A. I turn south.

5 Q. When you turn south, what do you see?

6 A. Pretty much right where I turned south, I  
7 pretty much stopped my vehicle because there were I  
8 believe one or two other squad cars in front of it.

9 Q. Would it have been possible for you to  
10 continue south on Pulaski?

11 A. No. I believe that's why I stopped because  
12 I -- well, besides the tire being flat, I believe  
13 that there were other cars in front of that area to  
14 where I wouldn't have been able to get around them.

15 Q. Could you see anything in terms of -- could  
16 you see Officer Van Dyke and Officer Walsh?

17 A. No, not when I was in the car.

18 Q. What was blocking your view of Officer Van  
19 Dyke?

20 A. Like I said, there were other vehicles in  
21 the intersection.

22 Q. Police vehicles?

23 A. Yes.

24 Q. Do you know whose vehicles those were?

1 A. I don't. I believe one might have been 813  
2 Roberts.

3 Q. So that's Sebastian and Mondragon?

4 A. Mondragon, yes.

5 Q. I'm going to -- well, I don't know if you  
6 have the notice of allegation in front of you, but  
7 I'll read it, and it is alleged that on or about  
8 October 20, 2014, you made a false statement during  
9 an interview with Detective March when you stated  
10 that you heard multiple gunshots in rapid succession.

11 What is your response to that allegation?

12 A. It's true to the best of my knowledge.

13 Q. Did you hear any pause or break between the  
14 gunshots you heard?

15 A. No, I didn't.

16 Q. As you are looking through your statement,  
17 the Exhibit 6 statement, is there any significant  
18 details that you feel are not included in that  
19 statement?

20 A. I don't believe so.

21 Q. Is there anything that you recall telling a  
22 detective substantively about your encounter with  
23 McDonald on the night of October 20, 2014, that you  
24 do not see in the Exhibit 6 report?

1 A. I don't believe so.

2 MR. NEUMER: Okay. Kris, do you have any  
3 follow-up questions with respect to the CSR?

4 MR. BROWN: Just two quick ones.

5 BY MR. BROWN:

6 Q. When you are coming around the Burger King  
7 and you're coming east on 41st, is that where you  
8 heard the gunshots?

9 A. I was pretty much at the back of the Burger  
10 King in that area, in the back of the area of the  
11 Burger King. Then I proceeded to come around it and  
12 come out to Pulaski.

13 Q. So as you are kind of going around the  
14 Burger King, by the time you got to Pulaski, all the  
15 shots had ceased?

16 A. Yes, best of my knowledge, yes, they were  
17 all done.

18 Q. While you were driving behind the Burger  
19 King and then eventually coming up east on 41st,  
20 could you see anything that was going on?

21 A. No. There was fencing up along the lot  
22 that was south of the Burger King and then they had  
23 like canvas or like a covering over the fence.

24 Like I said, I guess, I don't know if they

1 were doing construction or about to do construction,  
2 so it was all so you couldn't see through it.

3 Q. So that fencing, that was blocking your  
4 view of anything pretty much south?

5 A. Yes, pretty much anything towards Pulaski I  
6 couldn't see.

7 Q. At that point could you see McElligott?

8 A. No, I don't know where he was at that time.

9 MR. BROWN: That's all my questions.

10 MR. NEUMER: Okay. We'll grab the exhibits  
11 back so we can keep everything straight.

12 MR. FAHY: Can we just take a brief pause.

13 MR. NEUMER: Sure.

14 MR. BROWN: The time is 12:03 and we are  
15 going to go off the record.

16 (Recess taken.)

17 MR. NEUMER: Okay. The time is -- are we  
18 good to go back on the record?

19 MR. FAHY: Yes.

20 MR. NEUMER: The time is 12:04. We're back  
21 on the record.

22 BY MR. NEUMER:

23 Q. Just now I want to talk to you about making  
24 your way over to area central.

1 Do you recall about what time you left the  
2 scene of the shooting?

3 A. I would say in the 3:00, 3:30 area.

4 Q. Somewhere in that area?

5 A. Yeah.

6 Q. After you left the scene of the shooting,  
7 where did you go?

8 A. We went northbound to the expressway and  
9 then we took the expressway, the Stevenson to the Dan  
10 Ryan to 51st Street and then we got off there.

11 Q. To the area central headquarters?

12 A. Yes.

13 Q. And what vehicle did you take to get to  
14 area central?

15 A. Yeah. I don't remember because, like I  
16 said, they were waiting for ET to process our  
17 vehicle. They wanted to take pictures and do prints.

18 Q. Evidence technician?

19 A. Yeah. Take prints of the car and then the  
20 pictures of the windshield and all that, so they  
21 needed us at the area for everything going on.

22 We just took another vehicle. That other  
23 party had waited with our vehicle.

24 Q. Do you recall who drove?

1 A. Drove with me and between -- I did. I was  
2 the driver.

3 Q. You are driving and Officer McElligott was  
4 in the vehicle?

5 A. Yes.

6 Q. Anyone else?

7 A. No.

8 Q. So the two of you drove over to area  
9 central?

10 A. Yes.

11 Q. Were you ordered to go over to area central  
12 or your presence was requested?

13 A. Yes, that's where we were supposed to go.

14 Q. Did someone tell you that?

15 A. Well, yeah. That's where the investigation  
16 was being conducted at the area after the scene.

17 Q. Did Sergeant Franco say, hey, get on over  
18 to area central, or do you recall?

19 A. I don't know about getting over, but I know  
20 they did I think on the radio just tell us that or  
21 somebody told us that we had to just leave the  
22 vehicle and take this vehicle and go over there.

23 Q. But you don't recall who that was?

24 A. No, I don't remember.

1 Q. So you leave the scene of the shooting  
2 somewhere around 3, 3:30, somewhere like that?

3 A. Yes.

4 Q. How long does it take you to get to area  
5 central?

6 A. It was maybe 15 minutes or so. It wasn't  
7 that long.

8 Q. And then what happens when you arrive at  
9 area central?

10 A. We went up to the detectives area and then  
11 just continued. Whatever detective needed to talk to  
12 us, we talked to them. We talked to a couple other  
13 people, I believe, and then we did some reports or I  
14 did some reports I know.

15 Q. Do you recall what detectives you talked  
16 to?

17 A. No, I don't.

18 Q. Do you know what kind of questions they  
19 were asking?

20 A. No, just pretty much the same thing that  
21 they would ask us at the scene, if I remember.

22 Q. Do you have any recollection if it was the  
23 same individuals who had asked you questions at the  
24 scene that were asking you questions?

1 A. I don't remember, but I believe it probably  
2 was the same.

3 Q. So you talked to a couple other folks as  
4 well at area central?

5 A. I just mean like other officers, sergeants,  
6 stuff like that. Everybody was there.

7 Q. So tell us who was there when you get to  
8 the detectives division of area central.

9 A. Pretty much everybody that you mentioned  
10 already, all the officers that you had mentioned  
11 already.

12 Q. The people who were at the scene?

13 A. Yeah, the sergeant. I'm sure there were --  
14 well, all the detectives or whoever the detectives  
15 were, they were there. Like I said, I don't know  
16 their names.

17 Q. Sergeant Franco was there?

18 A. Yes, he was there, yes.

19 Q. Where were people hanging out when you got  
20 there?

21 A. Just everywhere. It's just like a bunch of  
22 cubicles type of thing.

23 Q. Wherever there was room?

24 A. Yeah.



1 Q. And so in terms of officers who were at the  
2 scene, did you have any conversations with those  
3 officers while you were at area central?

4 A. They had everybody together. We just -- in  
5 the room. We just talked or just pretty much kind of  
6 little bit briefly said what they -- we had told  
7 everybody that what we had from the beginning, what  
8 happened from the beginning and how it progressed.

9 Like I said, they were all there before we  
10 were for probably an hour or two at least before we  
11 got there.

12 Q. You and Officer McElligott sort of related  
13 to the other officers who were present your  
14 experience that night?

15 A. Yes.

16 Q. Was Officer Van Dyke in that group, do you  
17 recall?

18 A. Yes, he was.

19 Q. Was Officer Walsh in that group?

20 A. Yes.

21 Q. Did anyone else relate their experiences  
22 that night to you?

23 A. I don't remember. I don't recall if they  
24 did.

1                   Like I said, they were all there before --  
2   for awhile before we got there, so they might have  
3   been discussing it at that time, but I don't remember  
4   if they said anything to us about it.

5 Q. Did you have any conversations with Officer  
6 Van Dyke about what had occurred that night?

7	A. No.
---	--------

8 Q. While at area central?

9 | A. Not that I recall.

10 Q. How about individual conversation with  
11 Officer Walsh about what occurred?

12           A.     Again, I don't remember.  Not that I --  
13     maybe a few words, but nothing, a whole conversation.

14 Q. How about with any of the other officers  
15 who were present at the scene, did you have any  
16 individual conversations where you're sort of  
17 comparing stories?

18           A. I don't know about comparing stories, but  
19 we just might have discussed things, yeah.

20 Q. What happened to you, what happened?

21           A.     Again, in detail I don't remember. I don't  
22     remember what exactly we talked about.

23 Q. I got you. Other than detectives, did you  
24 talk -- and did you have a conversation with Sergeant

1 Franco while you were at area central?

2 A. Yes.

3 Q. What was the nature of that conversation?

4 A. Because I needed to fill out an officer's  
5 battery report, so I know he was involved with that.

6 Q. I'll tell you what, why don't we put the --  
7 so you completed an officer's battery report and a  
8 tactical response report while you were at area  
9 central?

10 A. Yes.

11 Q. Let's put those -- we'll mark this as  
12 Exhibit 8. It will be the officer's battery report  
13 and Exhibit 9 will be the -- fair to call it TRR,  
14 tactical response report?

15 A. Yeah.

16 (Gaffney Exhibit No. 8 marked for  
17 identification.)

18 (Gaffney Exhibit No. 9 marked for  
19 identification.)

20 BY MR. NEUMER:

21 Q. I'll call it OBR and TRR just so we  
22 don't -- we'll save some time that way.

23 Okay. You mentioned that you had a  
24 conversation -- correct me if I'm wrong, I don't want

1 to put words in your mouth, but a conversation with  
2 Sergeant Franco regarding the OBR and the TRR; is  
3 that fair to say?

4 A. Yes.

5 Q. Tell us about that conversation.

6 A. I don't remember it in detail, but just  
7 like that we had -- I had to fill it out, just like  
8 minor things that I might have asked what to put type  
9 of thing. Got temperature and stuff like that, I  
10 wouldn't have no clue what the temperature was.

11 Q. I got you. So would you have filled this  
12 out unless he had -- the TRR and OBR unless Sergeant  
13 Franco had directed you to fill out the TRR and OBR?

14 A. Yes. Like I said, during the investigation  
15 they determined that I should fill these out.

16 Q. Who determined that you should fill these  
17 out?

18 A. I'll be honest, I don't know.

19 Q. But Sergeant Franco ultimately said,  
20 Officer Gaffney, we will need you to fill out an TRR  
21 and OBR, something like that?

22 A. Yeah.

23 Q. Did you ask him any questions when he told  
24 you to fill these documents out?

1 A. No. Well, just like I said, some of the  
2 things involved in here, some of the little  
3 questions, but I knew why I had to fill it out.

4 Q. Why did you have to fill it out?

5 A. Because when the offender came at the car  
6 and hit the windshield with the knife and stuff like  
7 that, he pretty much was looking right at me. He was  
8 trying to stop me from doing what I was trying to do,  
9 stop him and slow him down, so at that time it was an  
10 assault on me at the time.

11 Q. Had you filled out a TRR or OBR prior to  
12 October 20, 2014?

13 A. I'm sure I have. I don't remember how many  
14 times. Not too many.

15 Q. Less than 10?

16 A. Yes, I would say so.

17 Q. And just generally walk us through what  
18 your understanding of a TRR is and when it's  
19 appropriate.

20 A. Just when you as a police officer become a  
21 victim, I would fill this out or if you have to use  
22 your tasers, something like that.

23 Q. What in your mind is the difference between  
24 a TRR and OBR?

1 A. That's a good question. This is for the  
2 actual battery or the assault, whatever, and this is  
3 just like if you have to use -- I believe if you have  
4 to use physical force or other kind of forces, for a  
5 tactical response is dealt with.

6 Q. So Sergeant Franco tells you to fill out  
7 the OBR and TRR while you were at area central,  
8 correct?

9 A. Uh-huh.

10 Q. So where do you complete the TRR and OBR?

11 A. On a computer at area central.

12 Q. Was it a desktop computer?

13 A. Yes, I believe so, yes.

14 Q. And was anyone else present while you were  
15 drafting or completing the TRR and OBR?

16 A. Present as in like right next to me, no,  
17 but like I said, there were people around everyone  
18 pretty much.

19 Q. You mentioned that Sergeant Franco might  
20 have given you some information as to what the  
21 temperature was?

22 A. Just like, yes, some of the things that I  
23 wasn't sure of.

24 Q. In terms of did you ever have any questions

1 as to which boxes to check on the TRR and OBR?

2 A. Yeah. Like I said, if I did, I would have  
3 asked him.

4 Q. Do you recall asking him questions as to  
5 what box should I check here?

6 A. Honestly I don't remember. I'm sure I did,  
7 but like I said, I don't remember exactly what or how  
8 many times.

9 Q. Did you talk to a Marlan Harvey while you  
10 were at area central on that evening?

11 A. Not to my knowledge. I don't know that  
12 name though.

13 Q. You are not familiar with the name of --

14 A. No.

15 Q. He's, I think, an FOP rep.

16 A. Okay.

17 Q. Okay. But no, you are not familiar with  
18 him?

19 A. The name doesn't click, yeah.

20 Q. Do you recall speaking to any FOP reps  
21 while you were at area central on October 21?

22 A. Yes.

23 Q. Who did you speak to?

24 A. Could I ask my lawyer their name.

1 Q. Sure.

2 A. Would that be okay? Herbert, I believe Dan  
3 Herbert was there.

4 Q. FOP attorney?

5 A. Yes, I believe so, yeah.

6 Q. Let's see. I'm going to direct your  
7 attention to the officer's battery report, and on the  
8 right side of the report, about a third of the way  
9 down, there's a line that says number of officers  
10 battered.

11 A. Yes.

12 Q. It says three. Do you recall why you  
13 selected three as the number of officers that were  
14 battered?

15 A. Well, I believe that's what I was informed  
16 that -- like I said, I was one of them and that  
17 Officer Van Dyke and Officer Walsh were also  
18 assaulted, so they informed me just put three because  
19 that's how many reports were being done about --  
20 officer battery reports were being done.

21 Q. Do you recall who informed of that?

22 A. I don't remember. If I -- if I should  
23 guess, probably Sergeant Franco, but I'm not 100  
24 percent sure.



1 Q. What you mean is that since Franco was  
2 providing you with some other information, it might  
3 be possible that he told you the three?

4 A. It could have been, yes.

5 Q. Could it have been anyone else that told  
6 you the number?

7 A. I don't remember.

8 Q. Would you have been able to write that  
9 number down on your own without someone telling you  
10 what the number should be?

11 MR. FAHY: You know, I'm going to object to  
12 that question, would you be able to. I'm not sure  
13 what you are asking him, to speculate or if he's able  
14 to physically like write the number three.

15 Just to clarify, if you could clarify the  
16 question a little bit.

17 MR. NEUMER: Sure. We'll move on.

18 BY MR. NEUMER:

19 Q. You mentioned that you were aware that  
20 other officers were completing a TRR and OBR?

21 A. Yes.

22 Q. And who were the other officers that were  
23 completing OBRs and TRRs?

24 A. I believe it was Officer Van Dyke and

1 Officer Walsh.

2 Q. And did you see Officer Walsh completing a  
3 TRR or OBR at area central that night?

4 A. I don't remember seeing him, but like I  
5 said, I know they were all there.

6 Q. Do you know whether he received any  
7 assistance in his completion of the OBR?

8 A. I don't remember.

9 Q. Did you ever see Officer Van Dyke  
10 completing a TRR or OBR at area central?

11 A. No, I didn't.

12 Q. Do you know whether Officer McElligott  
13 completed a TRR or OBR?

14 A. No, he didn't. I don't believe so.

15 Q. Do you have any understanding as to why you  
16 completed a TRR and OBR but Officer McElligott  
17 didn't?

18 A. Like I said, during the whole incident the  
19 offender never came at us or did anything to us until  
20 that incident with the vehicle where I was in the  
21 vehicle.

22 He never like came at my partner, never  
23 took a step towards my partner or anything like that.  
24 He just came -- pretty much when he hit the

1 windshield and tried to come at me, that's the only  
2 reason.

3 Q. I'm going to go to the notice of  
4 allegations for a second here.

5 It is alleged that in the officer's battery  
6 report you completed concerning the McDonald  
7 shooting, you made a false statement when you stated  
8 that three officers were battered.

9 What is your response to that allegation?

10 A. Well, in officer's battery report it's also  
11 for batteries, aggravated batteries, assaults and  
12 aggravated assaults. That's just what it's called,  
13 officer's battery report, so three people were  
14 battered, but it's for assaults also, so technically  
15 we are assaulted, but just what it's called.

16 Q. Did you make the determination that three  
17 people were assaulted or battered?

18 A. No.

19 Q. Do you know whose determination it was that  
20 three officers were assaulted or battered?

21 A. No, I don't know. Obviously it was during  
22 the investigation. But like I said, I didn't see  
23 Officer Walsh and Officer Van Dyke. I didn't know  
24 when they were -- when it happened to them. I never

1 seen that, so --

2 Q. At any time while you were at area central  
3 on October 20 or 21, 2014, were you shown video of  
4 the shooting?

5 A. No, I don't believe so.

6 Q. Did you ever see video of the shooting  
7 while you were at area central?

8 A. No.

9 Q. Did you see any other officers watching the  
10 video?

11 A. No, I didn't.

12 Q. You didn't see any detectives showing  
13 officers the video of the shooting?

14 A. No, not to my knowledge I didn't see any of  
15 that.

16 Q. Did you have any conversations with the  
17 other officers who were present at area central  
18 regarding the video?

19 A. No.

20 Q. When you were talking to detectives at area  
21 central, you had some conversations?

22 A. I believe so. I'm pretty sure, yeah.

23 Q. At any time did you feel those detectives  
24 were trying to get you to change your story regarding

1 what occurred on October 20, 2014?

2 A. No.

3 Q. So you did not -- is it fair to say other  
4 than the five-second clip that you saw at the scene  
5 of the shooting, you did not see video of the  
6 shooting before you completed your OBR and TRR?

7 A. No.

8 Q. Okay. When did you first see video of the  
9 shooting, do you recall?

10 A. I want to say when it came out on the  
11 Internet.

12 MR. NEUMER: Any area of questions?

13 MR. BROWN: I do have a couple.

14 BY MR. BROWN:

15 Q. I know you stated that you stayed at the  
16 scene until approximately 3 a.m.?

17 A. Yes, roughly.

18 Q. Roughly. I imagine that you and Officer  
19 McElligott were two of the last officers to kind of  
20 leave the scene and then go to area central?

21 A. Yes.

22 Q. While you were waiting, do you recall what  
23 you were doing after you got -- I know you spoke with  
24 the detectives and you kind of milled about your car,

1 but do you remember anything specific that you did?

2 A. Like I say, we changed the tire and then we  
3 just pretty much -- we were just waiting because,  
4 like I said, we were waiting for the evidence  
5 technicians to do what they needed to do.

6 Q. Did you pretty much just talk to McElligott  
7 or did you go talk to other people?

8 A. No. It was pretty much just us two. Like  
9 I said, we were just standing around watching because  
10 the ETs were doing other things at the time, or ET,  
11 crime lab. They were doing other things at the time.

12 Q. There was never a point where all the  
13 officers on the scene kind of just huddled together  
14 and just kind of talked to each other?

15 A. Not that I seen on the scene, not that I  
16 noticed.

17 Q. Okay. When you got to the area, about how  
18 long was it before you started doing the OBR and TRR?

19 A. That I don't remember, because I know we  
20 did -- I did do an interview with IPRA, but then that  
21 was, I believe, was around 4:00, so I don't remember  
22 if I did this before or after that. I want to say  
23 before, but I'm not sure.

24 Q. When you did the OBR and TRR, do you recall

1 if anybody was, I don't know, at a computer next to  
2 you or on either side of you?

3 A. I don't remember. I'm not sure.

4 I know there were computers next to me, but  
5 I don't know if there was people at them or doing  
6 anything with them.

7 Q. You don't recall if anybody else was doing  
8 their OBR or TRR?

9 A. No. I don't remember if they were doing  
10 them there or if they had them done already. I'm not  
11 sure.

12 Q. My partner asked you some questions about  
13 the number of officers battered on the OBR being  
14 three.

15 Did you have any concern with the number  
16 being three, concern that you didn't see the  
17 batteries that occurred to Van Dyke and Walsh?

18 A. No. Just like I said, it doesn't really  
19 specify, but I would just assume that that's asking  
20 how many in this incident, how many were assaulted or  
21 battered, so that's why I just put three, not that I  
22 had to see them, but that the whole incident, that's  
23 what the investigation revealed, that there were  
24 three of us altogether that were assaulted.

1 Q. I just didn't know if the report only had  
2 to reflect your observation or could it just --

3 A. I'll be honest, I don't know how that would  
4 work either. Like I said, I don't know if that's  
5 like for me or just for the whole incident, but  
6 that's what I put.

7 Q. Did you have any concern that Officer  
8 McElligott should have been included in that number?

9 A. No, because like I said, if he wouldn't  
10 have done -- if the offender wouldn't have done what  
11 he did to my vehicle, I wouldn't have even had to do  
12 this, but just because that one specific incident,  
13 that one second when he came at the car and came at  
14 me, that's why we did this.

15 Q. Sure. Officer McElligott was somewhat  
16 close to the car when --

17 A. He was still towards the back of the car,  
18 but he had a good enough distance.

19 Q. When the offender slashed your tire,  
20 McElligott was far enough away that --

21 A. Yeah. He never made any movement towards  
22 McElligott. He just like hit the tire, then I pulled  
23 the car a little bit further, and that's when he  
24 turned and looking right at me and hit that



1 windshield.

2 Q. Okay. Do you know -- I know you haven't  
3 filled out a ton of OBRs or TRRs. Do you know if  
4 it's common practice where you will get information  
5 from sergeants or from other people to use to  
6 complete the documents?

7 A. I don't know if it's common practice, but  
8 there are little things that you might not think of  
9 when you are doing this type of thing that you might  
10 recall with your partner or something like that.

11 MR. BROWN: Okay.

12 BY MR. NEUMER:

13 Q. Just a couple things. Who did you submit  
14 the OBR and TRR to?

15 A. I don't know. I just know it was  
16 submitted, and whoever -- I don't know if Sergeant  
17 Franco would have signed off it on or somebody else.

18 I know McNaughton's name is at the bottom  
19 of this one, so I don't know if he actually finally  
20 or at the very end approved it or how that would  
21 work.

22 Q. Is it just you hit a button on a computer,  
23 like hit send, submit, something like that?

24 A. I believe so, something like that, yeah.

1 Q. Did you give anyone notice at area central  
2 that, hey, finished the OBR and TRR?

3 A. Yes. I believe I talked -- my sergeant was  
4 still right around me when it was done.

5 Q. So you would have told Sergeant Franco  
6 finished these off?

7 A. Yeah.

8 Q. Did you ever hear anything further from  
9 anyone, any officers, sergeants, otherwise, after you  
10 submitted the OBR and TRR?

11 MR. FAHY: Regarding?

12 BY MR. NEUMER:

13 Q. Did anybody ask any follow-up questions  
14 regarding the OBR and TRR?

15 A. Not to my knowledge.

16 Q. Okay. Moving on to IPRA, the IPRA  
17 interview. You were interviewed by IPRA at area  
18 central; is that correct?

19 A. Yes.

20 Q. And where in area central did that  
21 interview take place?

22 A. It was in a separate room, not in the whole  
23 general area. It was in a separate room where it was  
24 just the IPRA investigator, me and then two -- I

1 believe it was two FOP people.

2 Q. And was one of those FOP people Dan  
3 Herbert?

4 A. Yes.

5 Q. Do you recall who the other FOP person was?

6 A. No. It might have been that person that  
7 you mentioned, but I'm not sure.

8 Q. Does the name Kato, last name Kato ring a  
9 bell?

10 A. It could have been him.

11 Q. Did you speak to anyone -- besides your  
12 attorney or Dan Herbert, did you speak to anyone in  
13 preparation for your IPRA interview?

14 A. Not specifically, no. Like I said, we just  
15 talked, everybody involved.

16 Q. Did you have any communications with  
17 McElligott before your IPRA interview in preparation  
18 for your IPRA interview?

19 A. I don't believe so, because we don't know  
20 what IPRA is going to ask or anything like that, so  
21 we can't --

22 Q. You mentioned that you had sort of related  
23 the events that occurred to you to some of the other  
24 officers who were present at area central?

1 A. Yes.

2 Q. Other than those communications, did you  
3 speak to any of the other officers in preparation for  
4 your IPRA interview?

5 A. I don't believe so, no.

6 Q. Did you make any attempt to ensure that the  
7 statements you were going to provide to IPRA was  
8 consistent with the statements provided by the other  
9 officers who were present at the --

10 A. No.

11 Q. Before your IPRA statement, were you  
12 pressured in any way to make sure that your statement  
13 was consistent with the other officers who were  
14 present at the scene?

15 A. No.

16 Q. Where did you go after you left area  
17 central?

18 A. Back to our district station, 8th district.

19 Q. Then home from there?

20 A. Yeah, pretty much, yeah.

21 Q. Do you recall what time about you left area  
22 central?

23 A. No, I don't. It was already light, so  
24 probably maybe 9, 10 area, somewhere in that area.

1 Q. 9, 10 in the morning?

2 A. Yeah, something like that maybe.

3 MR. NEUMER: Okay. Anything on IPRA?

4 MR. BROWN: No.

5 BY MR. NEUMER:

6 Q. I want to talk to you about in-car video  
7 systems.

8 A. Okay.

9 Q. Particularly the in-car video system of the  
10 vehicle you were driving on October 20, 2014.

11 A. Yes.

12 Q. We've talked about the 815 Robert vehicle.  
13 Do you know what the vehicle number was of that  
14 vehicle?

15 A. 8489.

16 Q. Sort of generally, what is an in-car video  
17 system?

18 A. Just a car camera that's mounted in the  
19 windshield pretty much and just it videotapes  
20 whatever is in front of the car.

21 Q. What's the purpose of an in-car video  
22 system?

23 A. To record any incidents that might be in  
24 front of the car, like just, say, a car going through

1 a red light or something like that type of thing.

2 Q. That system captures audio as well?

3 A. Yes.

4 Q. So during your day-to-day shift, how do you  
5 use the in-car video system?

6 A. Just we log onto the screen that's in there  
7 and it comes up and it's working.

8 Q. Has anything changed since October 20 in  
9 the way you sort of interact with the in-car video  
10 system?

11 A. Not really. Just our sergeants are more  
12 involved in making sure that everything works  
13 properly. They know if something is not working, we  
14 have to notify them immediately.

15 (Gaffney Exhibit No. 10 marked for  
16 identification.)

17 BY MR. NEUMER:

18 Q. At this time we're going to hand you what  
19 is marked as Exhibit 10, and this is the special  
20 order regarding in-car video systems that was in  
21 place as of October 20, 2014.

22 Okay. Have you seen this Exhibit 10,  
23 special order SO3-05-CPD, special SO3-05?

24 A. I'm sure I have, yes.

1 Q. Were you familiar with -- this outlines  
2 certain directives with respect to in-car video  
3 systems. Were you aware of the sort of rules and  
4 protocols set forth in this special order as of  
5 October 20, 2014?

6 A. I believe so, yes.

7 Q. I want to direct your attention to  
8 section 6 of the special order, which is on page 3,  
9 specifically where it says that at the beginning of a  
10 tour of duty, a department member is to visually  
11 inspect the in-car video system equipment for damage  
12 and obtain the remote transmitter audio recorder,  
13 assure it is securely to the member's person and  
14 follow the start-up procedures for the in-car video  
15 system as trained and ensure the system is working  
16 properly.

17 Were you aware of those procedures as of  
18 October 20, 2014?

19 A. Yes.

20 Q. How were you aware of those procedures?

21 A. We had taken a class on how to operate,  
22 even though it was several years before this.

23 Q. So was that a full-day class?

24 A. I believe so.

1 Q. Do you recall where it was?

2 A. At the academy.

3 Q. After that class, did you ever receive any  
4 other training regarding the procedures outlined in  
5 Exhibit 10?

6 A. Not that I remember.

7 Q. Do you see the notes section close to the  
8 bottom of page 3 of Exhibit 10 that says, members  
9 will immediately notify a supervisor if at any point  
10 the in-car video system is inoperable, damaged, the  
11 equipped vehicle becomes inoperable or the remote  
12 transmitter audio recorder is missing?

13 A. Yes.

14 Q. Did you ever have to notify a supervisor  
15 regarding a damaged in-car video system?

16 A. Yes.

17 Q. How does that process work?

18 A. We just notify them like if something is  
19 wrong or just, say, a screen doesn't come up, we  
20 notify them, and then he has to call whoever, I don't  
21 know, and get a ticket number for a repair, to get it  
22 repaired.

23 Q. That's the sergeant that you would call?

24 A. Yes.



1 Q. So if the system is not working, in-car  
2 video system is not working, you call your sergeant  
3 and let them know?

4 A. We let them know, yeah.

5 Q. What happens to a vehicle's in-car video  
6 system while a help desk ticket is being processed?

7 A. Nothing. We still use the vehicle.

8 Q. Still use the vehicle?

9 A. Yes.

10 Q. So you were the driver of vehicle 8489 on  
11 October 20, 2014?

12 A. Yes.

13 Q. That's the 815 Robert vehicle?

14 A. Yes.

15 Q. And that vehicle had an in-car video  
16 system; is that correct?

17 A. Yes.

18 Q. And did you generally drive the 8489  
19 vehicle?

20 A. Yes, that was our vehicle, assigned to our  
21 beat.

22 Q. And as of October 20, 2014, how long had  
23 you been working in a vehicle that had an in-car  
24 video system?

1 A. I don't recall. Some vehicles have them.  
2 Some don't. A lot of times they were not working.  
3 It's off and on.

4 Q. It's fair to say like for a matter of years  
5 you had been working on and off on with cars that  
6 had --

7 A. It could be, yes.

8 Q. That had an in-car video system?

9 A. It could be, yeah.

10 Q. And had you had any issues with the 8489's  
11 vehicle in-car video system on previous tours of  
12 duty?

13 A. I don't recall, but I'm sure there was,  
14 because, like I said, it's not just us that use that  
15 vehicle. There's other people, other watches that  
16 use the vehicle also, so if something happens with  
17 another watch, they can get the ticket number, so a  
18 lot of times it takes months for it to get fixed.

19 Q. I got you. So walk us through what you did  
20 at the beginning of your tour on October 20, 2014,  
21 with respect to the 8489 vehicle's in-car video  
22 system.

23 A. Pretty much we logged into the -- put our  
24 PC numbers, our beat number on the little screen, and

1 you just press send, I believe, and it starts up, and  
2 once you do that, the screen comes up where you can  
3 see through the camera what's in front of you.

4 Q. And that's what you did on October 20,  
5 2014?

6 A. Yes.

7 Q. What's your PC number, by the way?

8 A. [REDACTED].

9 Q. And did you visually inspect the in-car  
10 video system for damage?

11 A. Yes. It's pretty much just a screen. The  
12 camera is stuck up there. As long as we log on and  
13 you can see out there, that would -- pretty much it's  
14 working.

15 Q. Where do you generally keep the microphones  
16 for the in-car video system?

17 A. There's little charging areas, I guess.  
18 Certain vehicles have them in certain different  
19 spots.

20 Q. Do you recall where the microphones were on  
21 October 20, 2014?

22 A. I believe they were where the charging  
23 spots were, in the charging spots.

24 Q. Where should they be? Is that where they

1 should be?

2 A. Yes, before we log on and all that stuff,  
3 yes.

4 Q. Do you know if you synced your microphone  
5 to the system when you entered the 8489 vehicle on  
6 October --

7 A. I don't believe I did.

8 Q. Do you know if the audio in the 8489 or 815  
9 Robert vehicle, the audio for the in-car video system  
10 was functioning correctly on October 20, 2014?

11 A. I'm not sure if it was or not.

12 Q. Do you recall notifying your sergeant at  
13 any time on October 20, 2014, that the in-car video  
14 system audio was not working correctly?

15 A. No, because as what we knew, everything was  
16 working fine.

17 Q. I'm going to show you a couple exhibits  
18 here. Show you 11, 12 and 13. So this is going to  
19 be Exhibit 11.

20 (Gaffney Exhibit No. 11 marked for  
21 identification.)

22 BY MR. NEUMER:

23 Q. It is an email from Sergeant Lance Becvar  
24 to Jonathan Lewin regarding his findings with respect

1 to the five vehicles that were at the scene of the  
2 shooting, including the 8489 vehicle.

3 And his finding with respect to 8489 is  
4 system not engaged because of very long video, like  
5 hours long, was made previous to this event incident  
6 and system was processing that video and unable to  
7 start another video.

8 (Gaffney Exhibit No. 12 marked for  
9 identification.)  
10

11 BY MR. NEUMER:

12 Q. And then Exhibit 12 is a supplementary  
13 report completed by Sergeant Lance Becvar regarding  
14 his findings regarding the in-car video system of the  
15 five vehicles that were at the scene of the shooting.

16 (Gaffney Exhibit No. 13 marked for  
17 identification.)

18 BY MR. NEUMER:

19 Q. And then Exhibit 13 is an in-car video  
20 system retrieval worksheet dated October 20, 2014,  
21 that contains Sergeant Lance Becvar's notes with  
22 respect to the five vehicles that were at the scene  
23 of the shooting, including the 8489 or 815 Robert  
24 vehicle.

1           So my question, Officer Gaffney, is do you  
2   have any explanation as to why the video function of  
3   the in-car video system didn't capture any of the --  
4   prior to the shooting any of the scene?

5           A.   No, I don't. Like I said, we logged on and  
6   the screen was on, showing the video, camera.  
7   Whatever was on the camera, we could see on the  
8   little screen. As of we knew, it was working.

9           Q.   So when you started your shift on  
10   October 20, the video seemed to be working?

11          A.   Yes.

12          Q.   Do you have any explanation for why there  
13   was no audio captured by the in-car video system of  
14   vehicle 8489?

15          A.   No, I don't.

16          Q.   Do you have any explanation or any thoughts  
17   as to why there was no audio captured from the in-car  
18   video systems of any of the vehicles, CPD vehicles  
19   that were at the scene on October 20, 2014?

20          A.   No, I don't.

21          Q.   Did you ever learn that no audio was  
22   captured from those five vehicles?

23          A.   Yes.

24          Q.   Were you surprised to hear that?

1 A. Not really. Well, yes and no. I mean,  
2 some of the equipment does not function like it  
3 should, so sometimes it does. Sometimes it could  
4 work. It could not work.

5 Nowadays with the newer cars we have,  
6 everything works a lot better.

7 Q. As of October 20, 2014, was there a  
8 practice of Chicago police officers disabling the  
9 audio component of the in-car video system?

10 A. Not that I know of.

11 Q. Did you ever hear of --

12 A. Yeah, you hear stories about stuff like  
13 that, but --

14 Q. Had you ever disabled the audio component  
15 of your in-car video system?

16 A. No.

17 Q. I could refer you to the notice of  
18 allegations here. It is alleged that on or about  
19 October 20, 2014, you failed to ensure the in-car  
20 video system for CPD vehicle 8489 was working  
21 properly at the beginning of your tour of duty.

22 What is your response to that allegation?

23 A. Like I said, we logged into the camera  
24 properly, and as of we knew, the screen was on and it

1 was showing what the camera was showing, so to our  
2 knowledge it was working.

3 Q. What about with respect to audio?

4 A. That I can't say.

5 Q. It is alleged that on or about October 20,  
6 2014, you failed to immediately notify a supervisor  
7 that the in-car video system for CPD vehicle 8489 was  
8 inoperable or damaged.

9 What is your response to that allegation?

10 A. Like I said, we turned the camera, and as  
11 of our knowledge, we thought it was working. We  
12 believed it was working.

13 Q. Did you ensure the audio was working at the  
14 beginning of your shift?

15 A. I don't believe we did, no.

16 Q. It is alleged that on or about October 20,  
17 2014, you failed to audibly record events with CPD  
18 vehicle 8489's in-car video system during your tour  
19 of duty.

20 What is your response to that allegation?

21 A. Again, if the camera was working or if  
22 everything was working properly, we would have been  
23 able to get whatever, however they get this stuff out  
24 of the system. It would have -- then you would have



1 known if it was working or not.

2 MR. NEUMER: Kris, follow-up questions  
3 regarding dash cam?

4 MR. BROWN: Just a few.

5 BY MR. BROWN:

6 Q. Does the in-dash camera system engage when  
7 you turn on your lights and sirens, or do you have to  
8 physically do something to turn the system on?

9 A. I believe you can do both. I believe when  
10 you turn the lights on, it automatically comes on,  
11 but I believe you can hit a button on the screen, it  
12 will turn it on.

13 Q. What's your general practice?

14 A. Just pretty much when you turn the lights  
15 on.

16 Q. When you do experience an issue, you  
17 mentioned you would tell the sergeant?

18 A. Yes.

19 Q. How do you communicate that to the  
20 sergeant?

21 A. Usually over computer or if you see him in  
22 person, we tell them in person.

23 Q. If you, I guess, send them over the  
24 computer, do you get some kind of response back from

1 the sergeant?

2 A. Yes, you normally would.

3 Q. What usually is that response?

4 A. Just that I would assume that they would  
5 have to either visibly look at it to see what's going  
6 on or they would just tell us they are going to  
7 order -- they'll get a ticket number for it to get  
8 fixed.

9 Q. Okay. And you would be letting the  
10 sergeant know early on in your tour?

11 A. Normally, yes. That's usually what -- at  
12 the beginning of tour is when you put on your  
13 equipment and turn everything on. You will know if  
14 something is working or not.

15 Q. You have a duty to tell the sergeant either  
16 way, working or not working, how the system is going?

17 A. We do now, yes. We usually tell them our  
18 car number and camera is working, stuff like that.

19 Q. Back in October 20, 2014, did you have to  
20 tell your sergeant if it was working or if it wasn't?

21 A. Normally obviously if it's not working,  
22 yes, we always tell them, because if there's already  
23 a ticket number on there, we have to give them the  
24 ticket number saying it's not working and there's a

1 ticket number already on for it to be repaired.

2 Q. But if the system is working, to the best  
3 of your knowledge, do you have to tell the sergeant  
4 anything?

5 MR. FAHY: Back in October?

6 BY MR. BROWN:

7 Q. Sorry. Back in October.

8 A. I don't remember if we did or not. Usually  
9 it's just -- not sure if it was just assumed, but  
10 like I said, usually when it's not working, we inform  
11 them right away.

12 Q. Okay. You mentioned you didn't sync the  
13 audio on October 20, 2014?

14 A. Yeah, I don't believe we did.

15 Q. Is there any particular reason why you  
16 didn't sync the audio that day?

17 A. No, not that I can give, no.

18 Q. Was it your common practice to not sync the  
19 audio on any day?

20 A. Yeah. We just -- a lot of times we just  
21 leave the mics in the car type of thing.

22 Q. Okay. It wasn't because you were trying to  
23 avoid making an audio record of any kind of police  
24 work?

1 A. Oh, no. If they would have gotten and  
2 audio would have worked, they would -- anything I  
3 would have said because I would have been right in  
4 the car, so the mics would have been right next to me  
5 pretty much.

6 Q. In theory if the mics weren't synced --

7 A. Yeah, yeah, I guess in theory, but I don't  
8 know if there's -- like I said, they always say that  
9 cameras don't work until you turn it on, but they  
10 actually can get the recordings without having --  
11 they can still get a recording.

12 Q. You didn't have any kind of like  
13 preconceived notion to not sync the audio because you  
14 didn't want anyone to hear what you were doing --

15 A. Oh, no.

16 Q. -- on October 20, 2014?

17 A. No, nothing like that.

18 Q. How would you just -- I guess generally  
19 explain why you wouldn't sync the audio on a daily  
20 basis.

21 A. Can you --

22 Q. I'm sorry, yeah. Is there a reason why you  
23 wouldn't sync the audio on a daily basis?

24 A. No, just one of those things. They are

1 just there in cars and we just never really grabbed  
2 them, just never put them on type of thing.

3 Q. Okay. Do you know it to be a violation of  
4 CPD policy?

5 A. I'm sure it is.

6 Q. Are you supposed to wear the microphones on  
7 your person?

8 A. Yes.

9 Q. Did you do that on October 20, 2014?

10 A. No, I didn't.

11 Q. Is there a reason why you didn't do that on  
12 October 20, 2014?

13 A. No, no reason.

14 Q. Okay. Was that a common practice to not  
15 wear the microphones on your person?

16 A. We normally didn't. We just make sure the  
17 camera was on and then go.

18 Q. Is there any particular reason why you  
19 wouldn't wear the microphones on your person on a  
20 regular basis?

21 A. No.

22 Q. It wasn't because you were trying to defeat  
23 making an audio record of your police work?

24 A. No, no. Just it was something we just

1 didn't do.

2 Q. Okay. You imagine that's a violation of  
3 some CPD protocol --

4 A. Yeah.

5 Q. -- to not wear the microphones?

6 A. I'm sure it is. I'm sure it was.

7 MR. BROWN: I think that's all the  
8 questions I have.

9 BY MR. NEUMER:

10 Q. Want to ask you some questions about Grand  
11 Jury testimony.

12 You were summoned to give testimony before  
13 a Grand Jury regarding the McDonald shooting; is that  
14 correct?

15 A. Yes.

16 Q. Did you give testimony before a Grand Jury?

17 A. Yes.

18 Q. Do you know whether that was a federal  
19 Grand Jury or a state Grand Jury?

20 A. Federal Grand Jury.

21 Q. You did give testimony before that Grand  
22 Jury?

23 A. Yes.

24 Q. Were you asked questions about the Laquan

1 McDonald shooting?

2 A. Yes.

3 Q. Did you provide your account of events as  
4 they occurred to you to that Grand Jury?

5 A. Yes.

6 Q. Were you presented with any exhibits as you  
7 testified before that Grand Jury?

8 MR. FAHY: I'm going to object unless you  
9 have the transcript that you can provide for my  
10 client.

11 I mean, he's not going to be able to recall  
12 what was presented and what questions were asked.

13 BY MR. NEUMER:

14 Q. Certainly I don't remember or I don't  
15 recall is a fair answer.

16 A. I don't remember.

17 MR. FAHY: What's fairer is providing him a  
18 copy of the Grand Jury testimony. That's a fairer  
19 way to do it.

20 MR. NEUMER: If we had it, we would provide  
21 it.

22 BY MR. NEUMER:

23 Q. Do you recall about when it was that you  
24 gave that Grand Jury testimony?

1 A. No. It was some time last year.

2 Q. Did you -- Grand Jury aside, have you ever  
3 spoken to law enforcement authorities about the  
4 Laquan McDonald shooting?

5 A. As in like state's attorneys or stuff like  
6 that?

7 Q. FBI, state's attorney.

8 A. Yeah. We had spoke to them at 26th and  
9 California prior to the Grand Jury.

10 Q. And do you recall who you met with prior to  
11 the Grand Jury?

12 A. I don't remember their names actually, no.

13 Q. Was there someone from the FBI there?

14 A. I believe two people from FBI, one from the  
15 state's attorneys office, I believe.

16 Q. Were they asking you questions about your  
17 account of events on October 20, 2014?

18 A. Yes.

19 Q. Were they generally asking you questions  
20 similar to the ones we have asked you today?

21 A. Yes.

22 Q. Did your answers substantively differ from  
23 the answers you provided today?

24 A. No, not that I recall.



1 Q. Did you have any communications with  
2 Officer McElligott before your Grand Jury testimony  
3 in preparation of that Grand Jury testimony?

4 A. No, not that I recall.

5 Q. Any communications with Officer Van Dyke in  
6 preparation of your Grand Jury testimony?

7 A. No.

8 Q. Phone calls?

9 A. No. Like I say, I never -- outside of the  
10 one time we had a Christmas party, he came to the  
11 Christmas party after the incident. That was the  
12 only time I have ever spoken with him.

13 Q. Okay. Other than the events of the night  
14 of October 20, were you asked any questions outside  
15 of those regarding events of other nights?

16 A. Wait. Could you repeat that?

17 Q. Were you asked questions, any questions  
18 that were not about the events of October 20, 2014?

19 MR. FAHY: By whom?

20 THE WITNESS: Where?

21 BY MR. NEUMER:

22 Q. Sorry. By the FBI.

23 A. I don't recall. I would have to, yeah,  
24 have that in front of me. I don't recall what

1 they -- specifically outside the incident.

2 MR. NEUMER: Kris, any questions on this  
3 front?

4 MR. BROWN: I have no follow-up questions.

5 MR. NEUMER: We're just going to take a  
6 brief break here. The time is 12:52 to go off the  
7 record.

8 (Discussion off the record.)

9 MR. NEUMER: The time is 12:53 p.m. We're  
10 back on the --

11 MR. FAHY: Actually, could we just have --

12 MR. NEUMER: Sorry.

13 (Discussion off the record.)

14 MR. NEUMER: The time is 12:56 p.m. and  
15 we're back on the record.

16 BY MR. NEUMER:

17 Q. Officer Gaffney, we've asked all the  
18 questions we have today. Understanding what we are  
19 looking at and understanding that sometimes we miss  
20 topics, is there anything that you feel we should  
21 know regarding the matters we have been discussing  
22 today?

23 A. I don't believe so. I think we got it all.

24 Q. Do you have some sort of statement you

1 would like to make on the record or --

2 MR. FAHY: Can we just have one minute  
3 again?

4 MR. NEUMER: The time is 12:56 p.m. We'll  
5 go off the record.

6 (Recess taken.)

7 MR. NEUMER: The time is 12:59 p.m. We  
8 will go back on the record.

9 BY MR. NEUMER:

10 Q. Officer Gaffney, do you have a statement?

11 A. No, we're good.

12 MR. NEUMER: Okay. Then the time is 12:59  
13 and we're concluded.

14 (Which were all the proceedings had  
15 or offered at said hearing of the  
16 above-entitled cause at  
17 12:59 p.m.)

18

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1     STATE OF ILLINOIS            )  
   )       SS:  
2     COUNTY OF COOK              )

I, Renee E. Brass, Certified Shorthand  
Reporter of the State of Illinois, CSR No.  
084-004119, do hereby certify that I caused to be  
reported in shorthand and thereafter transcribed the  
foregoing transcript of proceedings.

8 I further certify that the foregoing is a  
9 true and complete transcript of my shorthand notes so  
10 taken as aforesaid, and further, that I am not  
11 counsel for nor in any way related to any of the  
12 parties to this action, nor am I in any way  
13 interested in the outcome thereof.

14 IN TESTIMONY WHEREOF, I have hereunto set  
15 my hand and affixed my seal this day, May 24, 2016.

17 *John E. Brann, CSA, RPR.*  
18

20 | Notary Public, Cook County, Illinois

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78:1	allowed 8:24	15:22 16:1 41:10	34:1 35:3,20 37:3, 10,14 48:21 52:9, 10 53:11,18,20 73:17 77:18 90:24 91:19 92:5,7 99:10,15 100:8
<hr/> <b>A</b> <hr/>	aloud 6:6,17 7:8, 18 8:23	<b>assignments</b> 20:3	<b>background</b> 15:7
a.m. 70:16	altogether 72:24	<b>assistance</b> 67:7	<b>based</b> 40:20
above-entitled 100:16	ambulance 19:19 41:16	<b>assume</b> 39:21 72:19 91:4	<b>basic</b> 27:3
academy 81:2	ambulances 20:24	<b>assumed</b> 92:9	<b>basis</b> 7:6,22 8:19 93:20,23 94:20
account 96:3 97:17	answering 6:14	<b>assuming</b> 17:10	<b>battered</b> 65:10,14 68:8,14,17,20 72:13,21
accuracy 4:5	answers 9:22 97:22,23	<b>assure</b> 80:13	<b>batteries</b> 68:11 72:17
accurate 45:6,16, 17 46:4,13,19 47:2,9,20 48:3	approached 29:4	<b>attached</b> 15:14	<b>battery</b> 60:5,7,12 63:2 65:7,20 68:5, 10,13
accurately 44:17	approved 74:20	<b>attempt</b> 77:6	<b>beat</b> 46:6 82:21 83:24
acknowledge 8:22	<small>05/13/2016 GAFFNEY THOMAS IN RE THOMAS GAFFNEY</small> approximately 37:2 70:16	<b>attention</b> 44:11 45:8 65:7 80:7	<b>Becvar</b> 85:23 86:13
action 7:22	April 10:19 11:10 12:1,17 13:7,21	<b>attorney</b> 14:20 15:18 65:4 76:12 97:7	<b>Becvar's</b> 86:21
actions 17:8	area 17:3,4,5,6 19:16 21:2,4 22:8 24:18 26:4 30:13 35:20 37:22 41:6 42:4,11 49:6 50:13 52:10 53:24 54:3, 4,11,14,21 55:8, 11,16,18 56:4,9,10 57:4,8 58:3 59:8 60:1,8 63:7,11 64:10,21 67:3,10 69:2,7,17,20 70:12,20 71:17 <small>05/13/2016 GAFFNEY THOMAS IN RE THOMAS GAFFNEY</small> 75:1,17,20,23 76:24 77:16,21,24	<b>attorneys</b> 97:5,15	<b>began</b> 45:10
actual 42:6 63:2	areas 84:17	<b>attributed</b> 44:15	<b>beginning</b> 28:10 58:7,8 80:9 83:20 88:21 89:14 91:12
Adams 4:18	arrive 56:8	<b>audibly</b> 89:17	<b>believed</b> 89:12
addition 9:20	assault 62:10 63:2	<b>audio</b> 4:7,11,14 79:2 80:12 81:12 85:8,9,14 87:13, 17,21 88:9,14 89:3,13 92:13,16, 19,23 93:2,13,19, 23 94:23	<b>bell</b> 27:24 76:9
administrative 5:16 8:23	assaulted 65:18 68:15,17,20 72:20, 24	<b>authorities</b> 97:3	<b>beverages</b> 15:16
advised 7:2,10	assaults 68:11, 12,14	<b>automatically</b> 90:10	<b>BIA</b> 9:11 10:18 11:9,24 12:16 13:6,20 14:1,5,18
advisement 5:22 6:7 9:4	assigned 42:6 82:20	<b>avoid</b> 92:23	<b>bit</b> 19:6,7 23:13,24 31:10 42:9 58:6 66:16 73:23
afternoon 25:14	assignment	<b>aware</b> 66:19 80:3, 17,20	<b>black</b> 19:14 29:17
aggravated 68:11,12		<b>awhile</b> 59:2	<b>blip</b> 34:17
ahead 47:19		<hr/> <b>B</b> <hr/>	<b>blocked</b> 20:8,9 37:23 41:18
aid 4:5		<b>B-r-o-w-n</b> 4:24	
alignment 35:23		<b>Bacerra</b> 25:18,20	
allegation 51:6,11 68:9 88:22 89:9,20		<b>back</b> 15:9 20:10, 11,23 21:3,6 28:13,18 29:13	
allegations 11:5 68:4 88:18			
alleged 51:7 68:5 88:18 89:5,16			

<b>blocking</b> 50:18 53:3	33:24 78:18 84:3, 12 87:6,7 88:23 89:1,10,21 90:6 91:18 94:17	69:24	<b>comments</b> 34:10
<b>bosses</b> 26:5		<b>changed</b> 71:2 79:8	<b>common</b> 74:4,7 92:18 94:14
<b>bottom</b> 10:21 74:18 81:8	<b>cameras</b> 93:9	<b>changing</b> 35:15	<b>communicate</b> 90:19
<b>box</b> 64:5	<b>canvas</b> 52:23	<b>Chapter</b> 5:10	<b>communications</b> 76:16 77:2 98:1,5
<b>boxes</b> 64:1	<b>Capital</b> 35:16	<b>charging</b> 84:17, 22,23	<b>compare</b> 36:7,9
<b>Brass</b> 4:20	<b>captain</b> 30:20,21, 22 31:1,4,12	<b>check</b> 64:1,5	<b>comparing</b> 59:17, 18
<b>break</b> 15:18 51:13 99:6	<b>capture</b> 87:3	<b>Checked</b> 21:21	<b>compelled</b> 9:22
<b>briefly</b> 14:24 22:2 58:6	<b>captured</b> 87:13, 17,22	<b>Chicago</b> 5:1,3,11 6:10 7:5,13,17 8:18 88:8	<b>complaint</b> 39:11
<b>brought</b> 35:20	<b>captures</b> 79:2	<b>Chief</b> 31:15	<b>complete</b> 41:20, 23 42:14 63:10 74:6
<b>Brown</b> 4:24 6:9 9:6 15:8,13 36:24 43:12,15,20 49:16, 20 52:4,5 53:9,14 70:13,14 74:11 78:4 90:4,5 92:6 95:7 99:4	<b>car</b> 19:6 28:12,18 30:3,4,13 31:9,11 33:23 34:6 35:12 37:10,20 39:24 40:3,8,11 41:9 42:6,17 43:18 50:17 54:19 62:5 70:24 73:13,16,17, 23 78:18,20,24 91:18 92:21 93:4	<b>choosing</b> 8:9	<b>completed</b> 42:4 60:7 67:13,16 68:6 70:6 86:13
<b>building</b> 45:12 48:14,19,20,21	<b>career</b> 24:21	<b>Christmas</b> 98:10, 11	<b>completely</b> 6:14
<b>bunch</b> 57:21	<b>cars</b> 18:12 19:17 20:7 38:1 50:8,13 83:5 88:5 94:1	<b>City</b> 5:1,11 6:9	<b>completing</b> 63:15 66:20,23 67:2,10
<b>Burger</b> 18:8 21:24 30:2,5 37:13 45:12 48:15 49:5,14,17, 18,23 50:3 52:6,9, 11,14,18,22	<b>case</b> 9:24 10:3,4 12:24 42:6 44:8	<b>civilian</b> 20:15,17	<b>completion</b> 67:7
<b>button</b> 74:22 90:11	<b>CBA</b> 36:19	<b>clarify</b> 43:14 66:15	<b>component</b> 88:9, 14
<b>C</b>	<b>ceased</b> 52:15	<b>class</b> 80:21,23 81:3	<b>computer</b> 63:11, 12 72:1 74:22 90:21,24
<b>California</b> 97:9	<b>cell</b> 16:18,19,21	<b>clean-up</b> 36:16	<b>computers</b> 72:4
<b>call</b> 30:21 38:17,22 60:13,21 81:20,23 82:2	<b>central</b> 53:24 54:11,14 55:9,11, 18 56:5,9 57:4,8 58:3 59:8 60:1,9 63:7,11 64:10,21 67:3,10 69:2,7,17, 21 70:20 75:1,18, 20 76:24 77:17,22	<b>clear</b> 19:17	<b>concern</b> 72:15,16 73:7
<b>called</b> 38:14 39:2 68:12,15	<b>certified</b> 4:3	<b>click</b> 64:19	<b>concluded</b> 100:13
<b>calls</b> 39:4 98:8	<b>chain</b> 16:6,8	<b>client</b> 9:14,21 10:6 96:40	<b>conducted</b> 5:10 12:11 55:16
<b>cam</b> 90:3	<b>change</b> 31:10	<b>clip</b> 34:1,17 70:4	<b>confidential</b> 4:8
<b>camera</b> 14:10		<b>close</b> 24:9,10 73:16 81:7	<b>consistent</b> 77:8, 13
		<b>clue</b> 61:10	<b>constitute</b> 7:11 8:17
		<b>code</b> 5:11	<b>constitutes</b> 7:4
		<b>colleague</b> 36:16	
		<b>colleagues</b> 38:8, 10	
		<b>collect</b> 15:8	
		<b>command</b> 16:6	
		<b>commander</b> 16:12	

<b>construction</b> 53:1	<b>crime</b> 26:9 71:11	<b>depth</b> 32:4	<b>discharge</b> 7:6,23 8:19
<b>consult</b> 8:9 15:18	<b>criminal</b> 8:4	<b>Deputy</b> 31:15	<b>disciplinary</b> 7:22
<b>contact</b> 28:16 29:23	<b>CSR</b> 52:3	<b>describe</b> 33:3,16	<b>discontinued</b> 4:12
<b>continue</b> 50:10	<b>cubicles</b> 57:22	<b>describing</b> 33:14	<b>discussed</b> 59:19
<b>continued</b> 29:21 30:2 56:11	<b>curb</b> 18:19 46:8,22 48:11,16	<b>desk</b> 82:6	<b>discussing</b> 36:2 59:3 99:21
<b>control</b> 20:6	<b>current</b> 15:22	<b>desktop</b> 63:12	<b>discussion</b> 99:8, 13
<b>conversation</b> 26:22 27:1,8,12 28:6,9 31:3,6 32:9, 12,15,21 33:9 40:3,5 59:10,13,24 60:3,24 61:1,5	<b>custom</b> 4:6	<b>details</b> 51:18	<b>distance</b> 73:18
<b>conversations</b> 31:14,19 33:1,11 35:8 41:1 58:2 59:5,16 69:16,21	<b>cycle</b> 40:12	<b>detective</b> 13:2,15 27:23 28:7 39:21 40:14,16 44:16 45:2,13 46:1,2,10, 17,23 47:6,12,24 51:9,22 56:11	<b>district</b> 15:24 16:3 23:2,12 24:15,21 25:4 43:2 77:18
<b>cook</b> 16:11,16	<b>daily</b> 93:19,23	<b>detectives</b> 27:17, 20 28:11,24 29:4,7 30:7,14 33:10,13 35:4 39:9,14 40:4, 6,10,18,23 41:7 42:7 44:18 56:10, 15 57:8,14 59:23 69:12,20,23 70:24	<b>division</b> 57:8
<b>cooperate</b> 6:13	<b>damage</b> 80:11 84:10	<b>determination</b> 68:16,19	<b>document</b> 8:24 10:14,18 11:5,6, 10,19 13:20
<b>copy</b> 96:18	<b>damaged</b> 81:10, 15 89:8	<b>determined</b> 61:15,16	<b>documents</b> 61:24 74:6
<b>corner</b> 29:17,18	<b>Dan</b> 54:9 65:2 76:2,12	<b>differ</b> 97:22	<b>Donuts</b> 14:9
<b>correct</b> 14:7,10 17:2,11 18:17 22:3 25:24 49:11 60:24 63:8 75:18 82:16 95:14	<b>Daphne</b> 24:12	<b>difference</b> 62:23	<b>drafting</b> 63:15
<b>correctly</b> 85:10,14	<b>dash</b> 90:3	<b>direct</b> 20:17 44:10, 22 65:6 80:7	<b>drive</b> 29:22 46:22 48:11 82:18
<b>counsel</b> 8:8,11 14:23 36:17	<b>date</b> 4:17	<b>directed</b> 61:13	<b>drive-through</b> 28:19 29:5,11 30:8,10 49:5,6,16
<b>couple</b> 22:15 23:14,17,19 25:6 28:11 37:4,11 56:12 57:3 70:13 74:13 85:17	<b>dated</b> 12:24 13:14 86:20	<b>directing</b> 20:14 45:8	<b>driver</b> 55:2 82:10
<b>court</b> 4:3,6,8,14, 20 10:6 38:15 39:3	<b>day</b> 17:4 39:5 92:16,19	<b>direction</b> 50:2	<b>driveway</b> 49:3,8
<b>covering</b> 52:23	<b>day-to-day</b> 79:4	<b>directives</b> 80:2	<b>driving</b> 52:18 55:3 78:10
<b>covers</b> 43:12	<b>days</b> 39:5	<b>disabled</b> 88:14	<b>drove</b> 28:17 29:18 47:4 54:24 55:1,8
<b>CPD</b> 12:24 87:18 88:20 89:7,17 94:4 95:3	<b>dealt</b> 63:5	<b>disabling</b> 88:8	<b>Dunkin'</b> 14:9
	<b>decided</b> 48:11	<b>disagreements</b> 36:11	<b>duress</b> 9:17
	<b>defeat</b> 94:22		<b>duty</b> 6:12 80:10 83:12 88:21 89:19 91:15
	<b>delayed</b> 8:12		<b>Dyke</b> 10:1 19:9 22:16,17 23:1,6 32:16,21 33:3,6
	<b>deliberately</b> 8:16		
	<b>department</b> 5:4 7:5,17 80:10		
	<b>Department's</b> 7:13		
	<b>Depends</b> 42:5		



50:16,19 58:16 59:6 65:17 66:24 67:9 68:23 72:17 98:5	<b>eventually</b> 20:20 48:24 52:19 <b>evidence</b> 7:21 10:4 54:18 71:4 <b>EXAMINATION</b> 5:19 <b>examined</b> 5:18 <b>exceptionally</b> 42:23 <b>excerpt</b> 12:23 <b>Exhibit</b> 5:23,24 9:4 10:9,13,15,22, 24 11:4,6,13,15,19 12:6,10,13,16,19, 23 43:6,9,13,18 14:1 44:7,9,10,11, 13 45:1 51:17,24 60:12,13,16,18 79:15,19,22 81:5,8 85:19,20 86:8,12, 16,19 <b>exhibits</b> 9:10 15:14 53:10 85:17 96:6 <b>exit</b> 49:23 <b>exited</b> 17:15 <b>exits</b> 49:8,10 <b>experience</b> 58:14 90:16 <b>experiences</b> 58:21 <b>explain</b> 93:19 <b>explanation</b> 87:2, 12,16 <b>expressway</b> 54:8, 9	19 66:11 75:11 92:5 96:8,17 98:19 99:11 100:2 <b>failed</b> 88:19 89:6, 17 <b>fair</b> 15:4,5 31:18 60:13 61:3 70:3 83:4 96:15 <b>fairer</b> 96:17,18 <b>fairly</b> 45:17 <b>false</b> 7:14,15 8:16 51:8 68:7 <b>familiar</b> 64:13,17 80:1 <b>FBI</b> 97:7,13,14 98:22 <b>federal</b> 95:18,20 <b>feel</b> 51:18 69:23 99:20 <b>female</b> 28:14 29:14 39:10 <b>fence</b> 52:23 <b>fencing</b> 52:21 53:3 <b>figure</b> 21:9 25:23 39:20 40:2 <b>fill</b> 60:4 61:7,13,15, 16 20:24 62:3,4,21 63:6 <b>filled</b> 61:11 62:11 74:3 <b>finally</b> 28:18 30:6 48:2 74:19 <b>find</b> 20:12,20 <b>finding</b> 86:3 <b>findings</b> 85:24 86:14 <b>fine</b> 36:22 85:16 <b>finish</b> 47:16 <b>finished</b> 75:2,6	<b>fire</b> 21:1 <b>fired</b> 9:18 21:11 <b>five-second</b> 33:24 34:16 43:9 70:4 <b>fixed</b> 83:18 91:8 <b>flat</b> 46:21 48:17 50:12 <b>flattened</b> 21:22 35:13 <b>folks</b> 22:15 57:3 <b>follow</b> 80:14 <b>follow-up</b> 52:3 75:13 90:2 99:4 <b>Fontaine</b> 25:9 <b>FOP</b> 34:18,24 64:15,20 65:4 76:1,2,5 <b>force</b> 63:4 <b>forces</b> 63:4 <b>form</b> 9:4 11:20,21, 24 12:4 <b>found</b> 20:22 <b>Franco</b> 16:10 26:20,21 27:2,11 55:17 57:17 60:1 61:2,13,19 63:6,19 65:23 66:1 74:17 75:5 <b>friends</b> 24:5,9,10 <b>front</b> 14:2 17:20 38:1 44:7 50:8,13 51:6 78:20,24 84:3 98:24 99:3 <b>fruits</b> 8:3 <b>full</b> 15:21 45:9 <b>full-day</b> 80:23 <b>function</b> 87:2 88:2 <b>functioning</b> 85:10 <b>funny</b> 38:13
<hr/> <b>E</b> <hr/>			
<b>early</b> 91:10 <b>east</b> 48:21 52:7,19 <b>eastbound</b> 45:10 46:7 <b>effect</b> 38:3 <b>email</b> 85:23 <b>encounter</b> 51:22 <b>encountered</b> 28:13 29:14,19 <b>end</b> 6:4 36:20 74:20 <b>ended</b> 27:5 28:18 30:6,10 <b>enforcement</b> 97:3 <b>engage</b> 90:6 <b>engaged</b> 86:4 <b>ensure</b> 77:6 80:15 88:19 89:13 <b>entered</b> 9:24 85:5 <b>entitled</b> 10:14 11:5 <b>equipment</b> 80:11 88:2 91:13 <b>equipped</b> 81:11 <b>ETS</b> 71:10 <b>evening</b> 28:20 38:7 64:10 <b>event</b> 27:15 86:5 <b>events</b> 28:20 33:14,17 40:12 76:23 89:17 96:3 97:17 98:13,15,18			
	<hr/> <b>F</b> <hr/>		
	<b>F-a-h-y</b> 5:6 <b>Fahy</b> 5:5,15 9:13, 20 15:5 36:22 43:13 49:12 53:12,		

<p><b>G</b></p> <p><b>G-a-f-f-n-e-y</b> 5:3 15:23</p> <p><b>gaffney</b> 4:13 5:2, 12,13,17,24 6:8,16 7:7 10:9,12,24 11:15 12:6,19 13:3,9,16,17 15:1, 23 16:24 46:15,22 47:4 60:16,18 61:20 79:15 85:20 86:8,16 87:1 99:17 100:10</p> <p><b>Gaffney's</b> 13:2 15:2</p> <p><b>Gaughan</b> 10:1</p> <p><b>gave</b> 27:15 96:24</p> <p><b>general</b> 5:1 6:10, 13 13:13 17:4,5,6 21:4 75:23 90:13</p> <p><b>generally</b> 44:17 62:17 78:16 82:18 84:15 93:18 97:19</p> <p><b>give</b> 9:22 15:10 36:16 44:9 75:1 91:23 92:17 95:12, 16,21</p> <p><b>giving</b> 9:17</p> <p><b>good</b> 24:5 53:18 63:1 73:18 100:11</p> <p><b>GPR</b> 44:10</p> <p><b>grab</b> 53:10</p> <p><b>grabbed</b> 94:1</p> <p><b>Grand</b> 95:10,13, 16,19,20,21 96:4, 7,18,24 97:2,9,11 98:2,3,6</p> <p><b>ground</b> 19:15 47:23 48:7</p> <p><b>group</b> 58:16,19</p> <p><b>guess</b> 41:24 52:24 65:23 84:17 90:23</p>	<p>93:7,18</p> <p><b>gunshots</b> 47:5 51:10,14 52:8</p> <p><b>guys</b> 24:3 37:16</p> <p><b>H</b></p> <p><b>hand</b> 5:14 10:12 11:3,18 12:22 13:12 79:18</p> <p><b>hanging</b> 57:19</p> <p><b>happen</b> 34:3</p> <p><b>happened</b> 17:14 19:19,23 20:11,22 21:9,10,12,15 23:15 25:23 27:4 31:8 32:4 38:17 39:15 42:11 58:8 59:20 68:24</p> <p><b>Harvey</b> 64:9</p> <p><b>head</b> 38:4</p> <p><b>headquarters</b> 54:11</p> <p><b>hear</b> 33:3,6,9,10, 13 35:22 36:2 51:13 75:8 87:24 88:11,12 93:14</p> <p><b>heard</b> 17:17 21:23 47:5 51:10,14 52:8</p> <p><b>hearing</b> 100:15</p> <p><b>held</b> 41:19</p> <p><b>helped</b> 31:10</p> <p><b>Herbert</b> 65:2,3 76:3,12</p> <p><b>hey</b> 39:17 55:17 75:2</p> <p><b>high</b> 24:2,6,7</p> <p><b>Hispanic</b> 28:14 29:14 39:10,11</p> <p><b>hit</b> 62:6 67:24 73:22,24 74:22,23 90:11</p>	<p><b>home</b> 77:19</p> <p><b>honest</b> 28:2 61:18 73:3</p> <p><b>Honestly</b> 64:6</p> <p><b>horseshoe</b> 48:22</p> <p><b>hour</b> 58:10</p> <p><b>hours</b> 15:3 86:5</p> <p><b>huddled</b> 71:13</p> <p><b>HX475653</b> 13:1,15</p> <p><b>I</b></p> <p><b>idea</b> 40:24 43:3</p> <p><b>identification</b> 6:1 10:10 11:1,16 12:7,20 13:10 60:17,19 79:16 85:21 86:9,17</p> <p><b>identify</b> 4:22</p> <p><b>imagine</b> 70:18 95:2</p> <p><b>immediately</b> 17:8 79:14 81:9 89:6</p> <p><b>impression</b> 39:15</p> <p><b>in-car</b> 14:5 78:6,9, 16,21 79:5,9,20 80:2,11,14 81:10, 15 82:1,5,15,23 83:8,11,21 84:9,16 85:9,13 86:14,19 87:3,13,17 88:9, 15,19 89:7,18</p> <p><b>in-dash</b> 90:6</p> <p><b>in-depth</b> 33:1</p> <p><b>inaccurate</b> 8:16 45:19</p> <p><b>incident</b> 38:4,12, 16,18 39:1,5 67:18,20 72:20,22 73:5,12 86:5 98:11 99:1</p> <p><b>incidents</b> 78:23</p>	<p><b>included</b> 14:5 51:18 73:8</p> <p><b>includes</b> 6:14</p> <p><b>including</b> 4:10 7:23 86:2,23</p> <p><b>incomplete</b> 8:17</p> <p><b>independent</b> 4:2</p> <p><b>individual</b> 59:10, 16</p> <p><b>individuals</b> 4:21 5:7 56:23</p> <p><b>inform</b> 92:10</p> <p><b>information</b> 4:2 63:20 66:2 74:4</p> <p><b>informed</b> 65:15, 18,21</p> <p><b>initial</b> 39:11</p> <p><b>inoperable</b> 81:10, 11 89:8</p> <p><b>inside</b> 21:3 33:23</p> <p><b>inspect</b> 80:11 84:9</p> <p><b>Inspector</b> 5:1 6:10,13</p> <p><b>interact</b> 79:9</p> <p><b>interacted</b> 32:24</p> <p><b>interim</b> 37:9</p> <p><b>Internet</b> 70:11</p> <p><b>intersection</b> 18:10,12,16,18,22 19:1,3,17 20:9 21:11 50:21</p> <p><b>interview</b> 4:4,7,14 5:12 6:11 7:21 8:3, 9,12 10:14 12:11 13:16,23 14:13,16, 21 42:10 51:9 71:20 75:17,21 76:13,17,18 77:4</p> <p><b>interviewed</b> 6:8 75:17</p>
--	---	---	--

<b>introducing</b> 40:15	<b>knew</b> 24:5 48:17 62:3 85:15 87:8 88:24	<b>lights</b> 90:7,10,14	<b>March's</b> 13:15
<b>investigation</b> 5:10 6:12 40:16 55:15 61:14 68:22 72:23	<b>knife</b> 62:6	<b>lineup</b> 28:4	<b>mark</b> 35:13 60:11
<b>investigator</b> 75:24	<b>knowledge</b> 28:2 51:12 52:16 64:11 69:14 75:15 89:2, 11 92:3	<b>located</b> 4:18	<b>marked</b> 5:23,24 9:4 10:9,13,24 11:4,15,19 12:6, 10,19,23 13:9,13 60:16,18 79:15,19 85:20 86:8,16
<b>involved</b> 10:3 60:5 62:2 76:15 79:12	<b>Kris</b> 52:2 90:2 99:2	<b>log</b> 79:6 84:12 85:2	<b>Marlan</b> 64:9
<b>IPRA</b> 12:11 71:20 75:16,17,24 76:13, 17,18,20 77:4,7,11 78:3	<b>Kristopher</b> 4:24 6:9	<b>logged</b> 83:23 87:5 88:23	<b>materials</b> 13:24 14:4,17 15:11
<b>issue</b> 90:16	<b>L</b>	<b>long</b> 8:11 22:7,24 23:11 24:14,16,18, 22 25:4 27:7 37:2, 6,7 56:4,7 71:18 82:22 84:12 86:4,5	<b>matter</b> 4:1 83:4
<b>issues</b> 83:10	<b>lab</b> 71:11 <small>0071372016 GAFFNEY THOMAS IN RE THOMAS GAFFNEY</small>	<b>longer</b> 23:13	<b>matters</b> 99:21
<b>J</b>	<b>Lance</b> 85:23 86:13,21	<b>looked</b> 20:11 34:5, 6	<b>Mcdonald</b> 17:1,9 45:10 46:7,15 47:22 48:5,7 51:23 68:6 95:13 96:1 97:4
<b>Jason</b> 10:1	<b>lane</b> 18:19	<b>lost</b> 46:15	<b>Mcelligott</b> 21:7,14 22:1,2,10 26:12 28:22 36:7,12 37:3,8 38:2 44:3 53:7 55:3 58:12 67:12,16 70:19 71:6 73:8,15,20,22 76:17 98:2
<b>job</b> 27:5	<b>Laquan</b> 17:1,9 95:24 97:4	<b>lot</b> 30:2 45:11 46:8 48:14 52:21 83:2, 18 88:6 92:20	<b>Mcnaughton</b> 16:13 31:15
<b>Jonathan</b> 85:24	<b>large</b> 42:23	<b>loud</b> 6:4	<b>Mcnaughton's</b> 74:18
<b>Judge</b> 10:1	<b>law</b> 97:3	<b>M</b>	<b>meet</b> 37:16
<b>Jury</b> 95:11,13,16, 19,20,22 96:4,7, 18,24 97:2,9,11 98:2,3,6	<b>lawyer</b> 64:24	<b>made</b> 7:20 8:2 39:11 45:1 46:2 51:8 68:7 73:21 86:5	<b>member</b> 80:10
<b>K</b>	<b>laying</b> 19:15 47:23	<b>main</b> 18:14	<b>member's</b> 80:13
<b>Karlo</b> 29:22	<b>lead</b> 40:15	<b>maintain</b> 41:12	<b>members</b> 81:8
<b>Kato</b> 76:8	<b>learn</b> 87:21	<b>make</b> 19:16,17 34:10 35:22 38:2 42:13 45:5,13,24 46:10,17,23 47:6, 12,24 68:16 77:6, 12 94:16 100:1	<b>mentioned</b> 42:16 57:9,10 60:23 63:19 66:19 76:7, 22 90:17 92:12
<b>kind</b> 9:11 20:23 24:6 29:19 34:6 37:20 39:6,8,14 41:8,12 52:13 56:18 58:5 63:4 70:19,24 71:13,14 90:24 92:23 93:12	<b>leave</b> 35:4 55:21 <small>300 West Adams Suite 800 Chicago, Illinois 60606 info@amicusreporters.com 888.641.3550</small> 56:1 70:20 92:21	<b>making</b> 7:14,15 26:8 53:23 79:12 92:23 94:23	<b>messages</b> 38:6, 11 39:4
<b>King</b> 18:8 21:24 30:2,5 37:13 45:12 48:15 49:5,14,17, 18,24 50:3 52:6, 10,11,14,19,22	<b>left</b> 54:1,6 77:16, 21	<b>male</b> 19:14 28:14 29:14,16 39:10	<b>met</b> 28:2 37:3,10 97:10
	<b>legal</b> 8:8,11	<b>manned</b> 16:8	<b>microphone</b> 85:4
	<b>Leticia</b> 25:13	<b>March</b> 12:24 13:2 27:24 44:16 51:9	
	<b>letting</b> 91:9		
	<b>Lewin</b> 85:24		
	<b>lieutenant</b> 16:9, 10,11,16 38:13		
	<b>lieutenants</b> 16:14 26:16		
	<b>light</b> 49:2,3 77:23 79:1		

<b>microphones</b> 84:15,20 94:6,15, 19 95:5	<b>names</b> 57:16 97:12	<b>notifying</b> 85:12	80:5,18 82:11,22
<b>mics</b> 92:21 93:4,6	<b>narrative</b> 27:15	<b>notion</b> 93:13	83:20 84:4,21
<b>middle</b> 17:19,21 18:10,11,22,23,24 19:4 38:14,18	<b>nature</b> 60:3	<b>Nowadays</b> 88:5	85:6,10,13 86:20 87:10,19 88:7,19 89:5,16 91:19 92:5,7,13 93:16 94:9,12 97:17 98:14,18
<b>midnights</b> 16:5	<b>needed</b> 54:21 56:11 60:4 71:5	<b>number</b> 5:3 13:1, 15 15:22 16:18,19, 21 65:9,13 66:6,9, 10,14 72:13,15 73:8 78:13 81:21 83:17,24 84:7 91:7,18,23,24 92:1	<b>offender</b> 41:15 62:5 67:19 73:10, 19
<b>milled</b> 70:24	<b>Neumer</b> 4:1,16,19 5:7,20 6:2,9 9:8 10:7,11 11:2,17 12:8,21 13:11 14:23 15:6,10,15, 20 36:15,23 43:22 49:18,22 52:2 53:10,13,17,20,22 60:20 66:17,18 70:42 74:12 75:12 76:12 77:12 78:12 79:12 80:12 81:12 82:12 83:12 84:12 85:12 86:12 87:12 88:12 89:12 90:12 91:12 92:12 93:12 94:12 95:12 96:12 97:12 98:12 99:12 100:12	<b>numbers</b> 83:24	<b>offered</b> 100:15
<b>mind</b> 62:23	<b>newer</b> 88:5	<b>O</b>	<b>office</b> 5:1 6:10,13 25:16 97:15
<b>mine</b> 17:20	<b>night</b> 22:14,17 27:18 28:3 30:15 31:21 33:14 38:11 39:18,22 40:12 45:2 51:23 58:14, 22 59:6 67:3 98:13	<b>object</b> 66:11 96:8	<b>officer</b> 4:13 5:2,12 6:16,24 7:7 10:12 13:2,3,16,17 15:1, 2 16:24 19:8,9 21:7,14 22:1,2,10, 16,17,24 23:6,8,9, 12,15,21 24:1,11 25:2,9,13,18,20 26:12 28:22 32:2, 3,6,9,16 33:3,6,15, 18 36:7,12 37:3,8 44:3 46:15,22 50:16,18 55:3 58:12,16,19 59:5, 11 61:20 62:20 65:17,20 66:24 67:1,2,9,12,16 68:23 70:18 73:7, 15 87:1 98:2,5 99:17 100:10
<b>minor</b> 61:8	<b>nights</b> 98:15	<b>objecting</b> 10:5	<b>officer's</b> 60:4,7,12 65:7 68:5,10,13
<b>minute</b> 100:2	<b>north</b> 45:11 48:13, 19	<b>objection</b> 9:21 10:7	<b>officers</b> 17:22 18:13,14 19:1,13 20:14 21:1 22:14 32:1,19,22 35:22 36:2 44:1 57:5,10 58:1,3,13 59:14 65:9,13 66:20,22 68:8,20 69:9,13,17 70:19 71:13 72:13 75:9 76:24 77:3,9, 13 88:8
<b>minutes</b> 27:9 37:5,11 56:6	<b>northbound</b> 54:8	<b>obligation</b> 6:20	<b>official</b> 6:12 7:11
<b>misconduct</b> 7:22	<b>noted</b> 10:8 15:15	<b>OBR</b> 60:21 61:2, 12,13,21 62:11,24 63:7,10,15 64:1 66:20 67:3,7,10, 13,16 70:6 71:18, 24 72:8,13 74:14 75:2,10,14	
<b>missing</b> 81:12	<b>notepad</b> 40:19	<b>OBRS</b> 66:23 74:3	
<b>mistaken</b> 35:19	<b>notes</b> 13:15 27:11 28:1 30:8 40:20 81:7 86:21	<b>observation</b> 73:2	
<b>moment</b> 44:12	<b>notice</b> 14:16 51:6 68:3 75:1 88:17	<b>observations</b> 39:18,19,22	
<b>Mondragon</b> 25:2 51:3,4	<b>noticed</b> 71:16	<b>obtain</b> 8:10 80:12	
<b>months</b> 22:8 23:3 83:18	<b>notification</b> 10:14 11:4,5	<b>occurred</b> 12:11 27:8 31:20 33:17 36:3 40:3 41:1 59:6,11 70:1 72:17 76:23 96:4	
<b>morning</b> 78:1	<b>notify</b> 79:14 81:9, 14,18,20 89:6	<b>October</b> 12:12 13:14 16:2,7,22 17:1 22:17 23:22 38:7 44:18 45:2,14 46:1,11,24 47:7,14 48:1 51:8,23 62:12 64:21 69:3 70:1 78:10 79:8,21	
<b>mounted</b> 78:18			
<b>mouth</b> 61:1			
<b>move</b> 66:17			
<b>moved</b> 35:16			
<b>movement</b> 73:21			
<b>Moving</b> 75:16			
<b>multiple</b> 47:5 51:10			
<b>municipal</b> 5:11 8:18			
<b>N</b>			
<b>N-e-u-m-e-r</b> 4:19			

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46:8,9,16 47:4,22 48:12,23 49:1,8, 10,13,14,21,24 50:10 52:12,14 53:5 <b>pulled</b> 18:18 29:15 73:22 <b>purpose</b> 78:21 <b>pursuant</b> 5:9 <b>pursued</b> 46:6 <b>put</b> 6:21,23 9:21 14:1 44:6 60:6,11 61:1,8 65:18 72:21 73:6 83:23 91:12 94:2 <b>puts</b> 10:5 <b>putting</b> 9:9	<b>raise</b> 5:13 <b>ran</b> 37:19 45:21,22 <b>rapid</b> 47:5 51:10 <b>reached</b> 47:22 <b>read</b> 6:3,5,6,17 7:8,18 8:23 51:7 <b>real</b> 24:5 29:15 34:7 <b>realized</b> 24:7 <b>reason</b> 68:2 92:15 93:22 94:11,13,18 <b>reasonable</b> 8:10 <b>recall</b> 21:14 26:15 28:6 29:7 30:7 31:14,16 32:6,12, 21 34:8,24 38:6,10 39:4,13 40:14,19 42:19,22 43:5,7 46:2 51:21 54:1,24 55:18,23 56:15 58:17,23 59:9 64:4,20 65:12,21 70:9,22 71:24 72:7 74:10 76:5 77:21 81:1 83:1,13 84:20 85:12 96:11,15,23 97:10,24 98:4,23, 24 <b>receipt</b> 11:20,21, 24 12:4 15:3 <b>receive</b> 15:13 81:3 <b>received</b> 67:6 <b>receiving</b> 14:16 <b>recess</b> 53:16 100:6 <b>recollection</b> 40:24 56:22 <b>record</b> 4:7,16,23 9:15,21 10:8 16:19 47:17 53:15,18,21 78:23 89:17 92:23 94:23 99:7,8,13,15 100:1,5,8	<b>recorder</b> 80:12 81:12 <b>recording</b> 4:7,11, 14 93:11 <b>recordings</b> 93:10 <b>red</b> 49:2 79:1 <b>refer</b> 88:17 <b>referring</b> 43:13,16 <b>reflect</b> 4:16 44:17 73:2 <b>refusal</b> 7:2,3 8:15 <b>refuse</b> 6:22 9:19 <b>regular</b> 22:5 94:20 <b>regulations</b> 7:4, 13 <b>relate</b> 58:21 <b>related</b> 10:4 22:19,20 23:10 24:13 25:3,10 38:24 58:12 76:22 <b>relating</b> 33:17 <b>relationship</b> 22:16 23:9,22 <b>remain</b> 6:19 <b>remember</b> 16:12 21:16 24:22 26:14 27:9,13,16,17,20 29:9 30:9,17 32:8, 15 34:12,20 35:2 37:4 39:7 40:17, 21,22 42:21 44:5 54:15 55:24 56:21 57:1 58:23 59:3, 12,21,22 61:6 62:13 64:6,7 65:22 66:7 67:4,8 71:1, 19,21 72:3,9 81:6 92:8 96:14,16 97:12 <b>remote</b> 80:12 81:11 <b>removal</b> 7:23	<b>Renee</b> 4:20 <b>rep</b> 64:15 <b>repair</b> 81:21 <b>repaired</b> 81:22 92:1 <b>repeat</b> 98:16 <b>report</b> 7:12,14,15 12:24 13:4,7,14,18 16:14 42:6 44:8,23 45:1 51:24 60:5,7, 8,12,14 65:7,8 68:6,10,13 73:1 86:13 <b>reporter</b> 4:3,9,14, 20 <b>reporters</b> 4:6 <b>reports</b> 56:13,14 65:19,20 <b>representative</b> 8:8,11 <b>representatives</b> 34:18 <b>reps</b> 34:24 64:20 <b>request</b> 4:11 <b>requested</b> 55:12 <b>respect</b> 22:13 36:17,18 44:21 52:3 80:2 83:21 85:24 86:3,22 89:3 <b>response</b> 51:11 60:8,14 63:5 68:9 88:22 89:9,20 90:24 91:3 <b>responses</b> 7:11 <b>restaurant</b> 45:11 <b>result</b> 7:16 <b>retrieval</b> 86:20 <b>revealed</b> 72:23 <b>reversed</b> 48:18 <b>review</b> 8:24 13:24 14:17
<hr/> <b>Q</b> <hr/>			
<b>quarantined</b> 41:19 <b>question</b> 38:20 44:24 45:3,5 47:16 63:1 66:12,16 87:1 <b>questioner</b> 36:19 <b>questions</b> 6:14, 21,23,24 8:16 15:7,12 36:17,20 43:21 44:9,14,23 52:3 53:9 56:18, 23,24 61:23 62:3 63:24 64:4 70:12 72:12 75:13 90:2 95:8,10,24 96:12 97:16,19 98:14,17 99:2,4,18 <b>quick</b> 29:16 34:7 52:4 <b>quicker</b> 36:21			
<hr/> <b>R</b> <hr/>			
<b>radio</b> 19:18 55:20			

<b>reviewed</b> 14:12 44:17	70:4,16,20 71:13, 15 77:14 86:1,15, 22 87:4,19	32:1,17 33:4,8,11, 21 34:14,19 35:1, 22 36:7,18 43:17, 24 44:1,4 47:11 48:8 54:2,6 56:1 68:7 69:4,6,13 70:5,6,9 86:2,15, 23 87:4 95:13 96:1 97:4	<b>SO3-05</b> 79:23
<b>reviewing</b> 28:1	<b>school</b> 24:2,6,7	<b>shot</b> 17:1,3 48:5	<b>SO3-05-CPD</b> 79:23
<b>Rexall</b> 30:20,22	<b>screen</b> 79:6 81:19 83:24 84:2,11 87:6,8 88:24 90:11	<b>shots</b> 17:16 21:11, 23 52:15	<b>socialization</b> 22:22 25:11,16,20
<b>ride</b> 35:3 39:8 40:8 41:8	<b>Sebastian</b> 24:11, 12 32:3,10,20 51:3	<b>show</b> 5:21 44:6 85:17,18	<b>socialize</b> 22:10
<b>rights</b> 5:22 8:23 9:4	<b>section</b> 36:21 80:8 81:7	<b>showed</b> 28:15 29:16 30:3 31:9	<b>sort</b> 25:23 26:15 27:15 28:19 33:17 58:12 59:16 76:22 78:16 79:9 80:3 99:24
<b>ring</b> 27:24 76:8	<b>securely</b> 80:13	<b>showing</b> 35:14 42:23 69:12 87:6 89:1	<b>Sounds</b> 38:24
<b>Robert</b> 14:6 17:11 18:1 46:6 78:12 82:13 85:9 86:23	<b>security</b> 14:10	<b>shown</b> 34:2 69:3	<b>south</b> 18:13,24 19:6,7,8 48:20 49:17 50:4,5,6,10 52:22 53:4
<b>Roberts</b> 18:15 33:22 42:17 43:18 49:24 51:2	<b>selected</b> 65:13 <small>05/13/2016 GAFFNEY THOMAS IN RE THOMAS GAFFNEY</small>	<b>side</b> 45:11 48:13, 19 49:10,14,17,19, 20 65:8 72:2	<b>southbound</b> 45:22 46:9,16
<b>room</b> 57:23 58:5 75:22,23	<b>send</b> 74:23 84:1 90:23	<b>sides</b> 49:16	<b>speak</b> 14:20 26:12 30:14 31:24 64:23 76:11,12 77:3
<b>roughly</b> 18:4 70:17,18	<b>sending</b> 38:6,11	<b>sight</b> 46:15	<b>speaking</b> 26:15 27:17 39:14 64:20
<b>route</b> 28:17	<b>sentence</b> 45:21 46:6	<b>sign</b> 9:3	<b>special</b> 79:19,23 80:4,8
<b>Rule</b> 7:12	<b>separate</b> 75:22,23	<b>signature</b> 10:21 11:12 12:3	<b>specific</b> 71:1 73:12
<b>rules</b> 7:4,13 80:3	<b>separation</b> 7:16	<b>signed</b> 74:17	<b>specifically</b> 10:2 32:23 76:14 80:9 99:1
<b>run</b> 9:11 45:10	<b>sergeant</b> 16:9,10 26:17,18,19 27:2, 11 42:19 55:17 57:13,17 59:24 61:2,12,19 63:6,19 65:23 74:16 75:3,5 81:23 82:2 85:12, 23 86:13,21 90:17, 20 91:1,10,15,20 92:3	<b>significant</b> 51:17	<b>speculate</b> 66:13
<b>rundown</b> 22:15 39:17,22	<b>sergeants</b> 26:16 57:5 74:5 75:9 79:11	<b>silent</b> 6:20	<b>spell</b> 4:22 30:23
<b>Ryan</b> 54:10	<b>serve</b> 7:5 8:19	<b>similar</b> 97:20	<b>spelled</b> 5:6
<hr/> <b>S</b> <hr/>	<b>set</b> 80:4	<b>sirens</b> 90:7	<b>spoke</b> 14:24 27:20,23 32:2 39:10,21 40:6,8, 10,18,23 41:3 70:23 97:8
<b>save</b> 36:20 60:22	<b>shift</b> 23:6 79:4 87:9 89:14	<b>sit</b> 21:3	<b>spoken</b> 97:3 98:12
<b>scene</b> 20:13,15,18 21:15,18 22:14 26:9,12,23 27:18 28:13 29:5 30:15, 19 31:1,18,24 32:16 33:3,7,21 34:14,19,20,21,23 35:1,21 36:1,6,18 40:7 41:18 42:2,3, 8,13 43:10,13,16, 24 44:4 54:2,6 55:16 56:1,21,24 57:12 58:2 59:15	<b>shifts</b> 23:19 24:24 25:6	<b>slashed</b> 73:19	<b>spots</b> 84:19,23
	<b>shooting</b> 17:9,14 20:14 26:13 27:7, 18 30:15 31:24	<b>slow</b> 29:24 62:9	<b>squad</b> 37:20 38:1 50:8
		<b>small</b> 43:6	
		<b>smoothly</b> 26:8	
		<b>snacks</b> 15:17	
		<b>snippet</b> 43:6,9	

<b>stab</b> 42:22	50:7,11	82:1,2,6,16,24	98:2,3,6
<b>standing</b> 41:9 71:9	<b>stories</b> 35:23 36:8 59:17,18 88:12	83:8,11,22 84:10, 16 85:5,9,14 86:4, 6,14,20 87:3,13 88:9,15,20 89:7, 18,24 90:6,8 91:16 92:2	<b>text</b> 38:6,11 39:4
<b>star</b> 5:3 15:22,23	<b>story</b> 69:24	<b>systems</b> 78:7 79:20 80:3 87:18	<b>theory</b> 93:6,7
<b>start</b> 86:7	<b>straight</b> 53:11		<b>thereof</b> 8:3
<b>start-up</b> 80:14	<b>street</b> 17:19,21 20:9 49:7 54:10	<b>T</b>	<b>thing</b> 22:9 23:10, 23 25:3,4,10,19 31:8 32:5 34:16 38:13,18 39:3 56:20 57:22 61:9 74:9 79:1 92:21 94:2
<b>started</b> 24:20 71:18 87:9	<b>stuck</b> 84:12		<b>things</b> 59:19 61:8 62:2 63:22 71:10, 11 74:8,13 93:24
<b>starting</b> 39:23	<b>stuff</b> 24:7 31:9 41:6 42:7 57:6 61:9 62:6 85:2 88:12 89:23 91:18 97:5		<b>Thomas</b> 5:2,12,17 6:7 15:23
<b>starts</b> 84:1	<b>submit</b> 74:13,23 <small>05/13/2016 GAFFNEY THOMAS IN RE THOMAS GAFFNEY</small>	<b>tactical</b> 60:8,14 63:5	<b>thought</b> 21:15,17 36:3 89:11
<b>state</b> 9:14 95:19	<b>submitted</b> 74:16 75:10	<b>takes</b> 83:18	<b>thoughts</b> 87:16
<b>state's</b> 97:5,7,15	<b>substantively</b> 51:22 97:22	<b>taking</b> 27:11 30:8 40:20	<b>ticket</b> 81:21 82:6 83:17 91:7,23,24 92:1
<b>stated</b> 44:18 51:9 68:7 70:15	<b>succession</b> 47:5 51:10	<b>talk</b> 21:12 30:18 34:13,18 37:16 42:10 53:23 56:11 59:24 64:9 71:6,7 78:6	<b>time</b> 4:17 8:10 9:3, 9 14:23 15:6,11,17 16:15 20:2,13,24 21:20 22:6 25:5 27:5 29:10 31:23 32:16 33:2,10,20 35:7 36:1,6,14,15 37:6,9 41:15,16, 22,24 43:23 44:6 48:7 52:14 53:8, 14,17,20 54:1 59:3 60:22 62:9,10 69:2,23 71:10,11 77:21 79:18 85:13 97:1 98:10,12 99:6,9,14 100:4,7, 12
<b>statement</b> 5:16 7:20 8:2,17,22 9:16,18 13:2 15:2, 4 44:13,15,16,24 45:2,4,6,7,13,16, 24 46:4,10,13,17, 19,23 47:2,6,9,12, 20,24 48:3 51:8, 16,17,19 68:7 77:11,12 99:24 100:10	<b>Suite</b> 4:18	<b>talked</b> 29:15 34:22 36:9 56:12,15 57:3 58:5 59:22 71:14 75:3 76:15 78:12	<b>timeline</b> 27:4
<b>statements</b> 7:11 10:3 38:2 44:21,22 77:7,8	<b>summer</b> 24:18	<b>talking</b> 19:24 33:6 40:7 69:20	<b>times</b> 23:17 62:14 64:8 83:2,18 92:20
<b>summed</b> 95:12	<b>superior</b> 6:23	<b>tall</b> 42:24	<b>tire</b> 21:22 31:11 35:12,15 46:21 48:17 50:12 71:2 73:19,22
<b>supervisor</b> 81:9, 14 89:6	<b>supervisors</b> <small>05/13/2016 GAFFNEY THOMAS IN RE THOMAS GAFFNEY</small>	<b>tasers</b> 62:22	
<b>states</b> 6:7	30:19 31:20 35:9	<b>technically</b> 68:14	
<b>station</b> 77:18	<b>supplementary</b> 12:24 44:8 86:12	<b>technician</b> 54:18	
<b>stayed</b> 26:4 30:12 35:6,18 37:22 41:14 70:15	<b>supposed</b> 55:13 94:6	<b>technicians</b> 71:5	
<b>step</b> 47:19 67:23	<b>surprised</b> 87:24	<b>telling</b> 19:19 27:3 40:20 51:21 66:9	
<b>Steven</b> 16:10	<b>sworn</b> 5:15	<b>tells</b> 63:6	
<b>Stevenson</b> 54:9	<b>sync</b> 92:12,16,18 93:13,19,23	<b>temperature</b> 61:9,10 63:21	
<b>stop</b> 19:17 29:24 37:24 62:8,9	<b>synced</b> 85:4 93:6	<b>terms</b> 50:15 58:1 63:24	
<b>stoplight</b> 18:4,7	<b>system</b> 14:6 78:9, 17,22 79:2,5,10 80:11,15 81:10,15	<b>testified</b> 5:18 96:7	
<b>stopped</b> 18:20,21 39:24 48:8,13,16		<b>testimony</b> 95:11, 12,16,21 96:18,24	



<b>titled</b> 11:19	93:9	13,14 81:11 82:7, 8,10,13,15,19,20, 23 83:11,15,16 85:5,9 86:2,24 87:14 88:20 89:7, 18	<b>W</b>
<b>today</b> 4:3 5:9 9:22 10:16 11:22 12:14 13:4,18,24 15:2 97:20,23 99:18,22	<b>turned</b> 38:4 45:22 46:16 48:20 50:6 73:24 89:10	<b>vehicle's</b> 82:5 83:21	<b>wait</b> 41:12 98:16
<b>today's</b> 4:17 14:13	<b>type</b> 22:9 32:4 39:3 57:22 61:8 74:9 79:1 92:21 94:2	<b>vehicles</b> 14:6 17:20 18:14 50:20, 22,24 83:1 84:18 86:1,15,22 87:18, 22	<b>waited</b> 54:23
<b>told</b> 21:23 27:23 29:15,16,19 31:17 39:8 40:11 55:21 58:6 61:23 66:3,5 75:5	<b>U</b>	<b>Velez</b> 25:13,16	<b>waiting</b> 54:16 70:22 71:3,4
<b>ton</b> 74:3	<b>Uh-huh</b> 40:1 42:18 63:9	<b>verbatim</b> 4:4	<b>walk</b> 17:7,13 18:22 19:12 34:3 48:10 62:17 83:19
<b>top</b> 16:16	<b>ultimately</b> 61:19	<b>versus</b> 9:24	<b>walked</b> 17:18,20 19:20 20:10,11
<b>topics</b> 99:20	<b>unable</b> 86:6	<b>victim</b> 62:21	<b>walking</b> 19:21 20:1 42:16
<b>tour</b> 80:10 83:20 88:21 89:18 91:10, 12	<b>understand</b> 6:8, 11,19,20,22 7:1, 10,12,15,20 8:2,7, 15	<b>video</b> 14:5,9 33:21 34:2,8,11,14 42:17,20,23 43:5, 17 44:1,4 69:3,6, 10,13,18 70:5,8 78:6,9,16,21 79:5, 9,20 80:2,11,14 81:10,15 82:2,5, 15,24 83:8,11,21 84:10,16 85:9,13 86:4,6,7,14,19 87:2,3,6,10,13,18 88:9,15,20 89:7,18	<b>Walsh</b> 23:8,9,12, 16 30:21,24 31:1, 4,12 32:2,6,20 35:16 50:16 58:19 59:11 65:17 67:1,2 68:23 72:17
<b>tours</b> 83:11	<b>understanding</b> 9:23 14:24 62:18 67:15 99:18,19	<b>videos</b> 14:12,15 43:10,18	<b>Walsh's</b> 19:9
<b>traffic</b> 20:6 37:24 41:17	<b>unduly</b> 8:12	<b>videotapes</b> 78:19	<b>wanted</b> 39:6,17 42:13 54:17
<b>trained</b> 80:15	<b>union</b> 8:8,11	<b>view</b> 50:18 53:4	<b>watch</b> 16:4,5,17 25:15 83:17
<b>training</b> 81:4	<b>unit</b> 15:22 16:1,3	<b>violation</b> 7:4 8:18 10:6 94:3 95:2	<b>watches</b> 83:15
<b>transcript</b> 4:4,5 12:10,13,17 15:2, 13 96:9	<b>V</b>	<b>Viramontes</b> 23:21	<b>watching</b> 44:1 69:9 71:9
<b>transmitter</b> 80:12 81:12	<b>van</b> 10:1 19:9 22:16,17,24 23:6 32:16,20 33:3,6 50:16,18 58:16 59:6 65:17 66:24 67:9 68:23 72:17 98:5	<b>visibly</b> 91:5	<b>water</b> 15:16
<b>TRR</b> 60:13,21 61:2,12,13,20 62:11,18,24 63:7, 10,15 64:1 66:20 67:3,10,13,16 70:6 71:18,24 72:8 74:14 75:2,10,14	<b>vehicle</b> 17:11,16, 18,23 18:1,3,9,15, 20,21 19:9 20:24 21:3,5,6,9,22 25:22 26:3 29:2,24 30:6 35:4,6,10,16 37:1 41:4,6 46:7, 21 48:10 49:24 50:7 54:13,17,22, 23 55:4,22 67:20, 21 73:11 78:10,12,	<b>visually</b> 80:10 84:9	<b>waved</b> 37:21
<b>TRRS</b> 66:23 74:3		<b>voluntary</b> 9:17	<b>wear</b> 94:6,15,19 95:5
<b>truck</b> 39:23			<b>west</b> 4:18 48:19 49:10,14,19,20
<b>trucks</b> 21:1 49:4			<b>wild</b> 42:22
<b>true</b> 45:4 51:12			<b>windshield</b> 35:13 54:20 62:6 68:1 74:1 78:19
<b>truthfully</b> 6:15,21			<b>witnesses</b> 10:2 20:15,17 33:11,15, 18
<b>turn</b> 50:2,4,5 90:7, 8,10,12,14 91:13			<b>words</b> 59:13 61:1

**work** 4:8 15:24  
22:11,19,20 23:10,  
24 24:13 25:3,10  
73:4 74:21 81:17  
88:4 92:24 93:9  
94:23

**worked** 22:24  
23:4,11,15 24:6,  
14,23 25:15 93:2

**working** 79:7,13  
80:15 82:1,2,23  
83:2,5 84:14  
85:14,16 87:8,10  
88:20 89:2,11,12,  
13,21,22 90:1  
91:14,16,18,20,21,  
24 92:2,10

**works** 79:12 88:6

**worksheet** 86:20

**Wow** 43:1

**write** 66:8,14

**written** 7:14,16

**wrong** 60:24  
81:19

---

**Y**

---

**yard** 39:23

**year** 22:8 23:3  
97:1

**years** 23:14 80:22  
83:4

05/13/2016 GAFFNEY THOMAS  
IN RE THOMAS GAFFNEY

Amicus Reporters info@amicusreporters.com  
300 West Adams Suite 800 Chicago, Illinois 60606 888.641.3550

CITY OF CHICAGO  
OFFICE OF INSPECTOR GENERAL

ADVISEMENT OF RIGHTS

I, Thomas Gaffney, understand that I am being interviewed by  
Peter Neumer and Kristopher Brown from the City of  
Chicago Office of Inspector General.

DATE 5-13-16 TIME \_\_\_\_\_ LOCATION 300 W. Adams St., Ste. 800

I understand that this interview is part of an official investigation and that I have a duty to cooperate with the Office of Inspector General, which includes answering all questions completely and truthfully.

I understand that I have no right to remain silent. I understand that I have an obligation to answer questions put to me truthfully. I understand that if I refuse to answer questions put to me, I will be ordered by a superior officer to answer the questions. I further understand and I have been advised that if I persist in my refusal to answer after an order to do so, such further refusal constitutes a violation of the Rules and Regulations of the Chicago Police Department and may serve as the basis for my discharge.

I understand and have been advised that my statements or responses may constitute an official police report. I understand that Rule 14 of the Chicago Police Department's Rules and Regulations prohibits making a false report, written or oral, and I further understand that making such a false report, whether written or oral, may result in my separation from the Chicago Police Department.

I understand that any statement made by me during this interview may be used as evidence of misconduct or as the basis for disciplinary action up to and including removal or discharge.

I understand that any statement made by me during this interview and the fruits thereof cannot be used against me in a criminal proceeding.

I understand that I have the right to have a union representative, or legal counsel of my choosing, present at the interview to consult with, and that I will be given a reasonable time to obtain a union representative or legal counsel as long as the interview is not unduly delayed.

I understand that a refusal to answer any question, or any false, inaccurate, or deliberately incomplete statement by me would constitute a violation of Chicago Municipal Ordinance 2-56, and may serve as the basis for my discharge.

I acknowledge that this statement of my administrative rights has been read aloud to me, and I have been allowed to review this document.

Thomas Gaffney  
Employee Signature

Witness: [Signature]

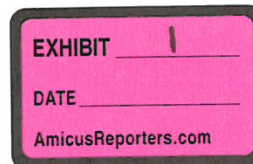
Witness: [Signature]

\*\*\*\*\*

WAIVER

Understanding these rights, I wish to answer questions from investigators from the Office of Inspector General without having a union representative or legal counsel present. No promises or threats have been made to me and no pressure or coercion of any kind has been used against me.

Employee Signature: \_\_\_\_\_



<b>NOTIFICATION OF INTERVIEW TO CPD MEMBER</b>			DATE
CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL			April 21, 2016
NAME	RANK	STAR NO.	UNIT OF ASSIGNMENT
Thomas Gaffney	Police Officer	19958	008

### YOUR APPEARANCE IS REQUIRED

AT <input checked="" type="checkbox"/>	Amicus Court Reporters 300 West Adams, Ste. 800 Chicago, IL 60606	ON	DATE May 11, 2016	TIME 9:00 PM
AS	<input checked="" type="checkbox"/> ACCUSED	<input type="checkbox"/> WITNESS	<input type="checkbox"/> COMPLAINANT	
FOR	<input checked="" type="checkbox"/> A STATEMENT			
CONCERNING The October 20, 2014 shooting of Laquan McDonald.				

### YOU ARE TO REPORT TO:

LEAD INVESTIGATOR	TITLE	PHONE NO.	EMAIL
Kristopher Brown	Investigator III	773-478-0221	kbrown@chicagoinspectorgeneral.org

**NOTE: You MUST notify the Lead Investigator of your inability to keep this scheduled appointment.**

### ALSO PRESENT AT THE INTERVIEW WILL BE:

NAME	TITLE	NAME	TITLE
Raul Valdez	Investigator II	N/A	N/A

THE INTERVIEW WILL BE ☐ AUDIO RECORDED ☒ TRANSCRIBED BY A LIVE REPORTER

TO BE COMPLETED BY INTERVIEWEE (if applicable)

### ACKNOWLEDGEMENT

Please contact Investigator Brown at (773) 478-0221 to confirm receipt of Notification of Interview and to confirm your attendance at the interview.

I hereby acknowledge receipt of this Notification of Interview.

SIGNATURE Thomas Gaffney DATE 26 APR 16

PRINTED NAME THOMAS GAFFNEY TIME 2210

TO BE COMPLETED BY OFFICE OF INSPECTOR GENERAL OR  
CPD COMPONENT PROVIDING NOTIFICATION TO INTERVIEWEE

NOTIFICATION MADE TO:	TITLE, RANK, & UNIT	DATE	TIME
NOTIFICATION MADE BY:	TITLE, RANK, & UNIT	DATE	TIME

EXHIBIT 2

DATE

AmicusReporters.com



## NOTIFICATION OF ALLEGATIONS

CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL

NAME OF ACCUSED	RANK	STAR NO.	UNIT OF ASSIGNMENT
Thomas Gaffney	Police Officer	19958	008 - 815R

City ordinance, and if applicable, collective bargaining agreements, provide that you are entitled to notice of the nature of the allegations against you and the identity of all complainants prior to any interview. Accordingly, you are advised as follows:

### COMPLAINANT(S)

1. John J. Escalante, Interim Superintendent of Chicago Police Department (CPD), sent a letter to the City of Chicago Office of Inspector General (OIG) dated January 13, 2016, requesting that OIG conduct an administrative investigation of the following allegations arising out of the October 20, 2014 shooting death of Laquan McDonald (the McDonald Shooting): "whether any officer(s) made false statement on official reports submitted in connection with the shooting of Laquan McDonald on October 20, 2014; whether any officer(s) obstructed or interfered with the investigation of this incident, either individually or in collusion with others; and whether any officer(s) committed any violation of Chicago Police Department rules, policies, or orders in connection with their response and/or handling of this matter." Escalante attached to the letter a copy of Sergeant S. Soria's (Star # 2275) Initiation Report, which raises similar allegations of misconduct with respect to Department members in connection with the McDonald Shooting, and identified that Report as a basis for OIG's administrative investigation.

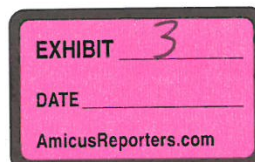
### ALLEGATION(S)

1. On or about October 20, 2014, you made a false statement during an interview with Detective David March of the Chicago Police Department (CPD) when, with respect to the McDonald Shooting, you stated that you heard multiple gunshots in rapid succession.
2. On or about October 20, 2014, In the Officer's Battery Report you completed concerning the McDonald Shooting, which included and R.D. Number of HX475653, you made a false statement when you stated that three officers were battered.
3. On or about October 20, 2014, you failed to ensure the in-car video system for CPD vehicle 8489 was working properly at the beginning of your tour of duty.
4. On or about October 20, 2014, you failed to immediately notify a supervisor that the in-car video system for CPD vehicle 8489 was inoperable or damaged.
5. On or about October 20, 2014, you failed to audibly record events with CPD vehicle 8489's in-car video system during your tour of duty.

### ACKNOWLEDGEMENT

I hereby acknowledge receipt in writing of the identity of the complainant(s) and notice of the nature of the allegation(s) against me.

-Page 1 of 2-



Signature Thom Haff

Date 26 APR 16

Printed Name THOMAS GAFFNEY

Time 2210

WITNESSES

Sgt Barry 879



CITY OF CHICAGO OFFICE OF INSPECTOR GENERAL  
740 North Sedgwick Street  
Suite 200  
Chicago, Illinois 60654

# RECEIPT FORM

OIG FILE NO. 15-0564

ON

DATE

26 Apr 16

AT

TIME

2210

NAME

JAMES BAUER

TITLE

Sergeant

☐ SEIZED FROM

☐ RECEIVED FROM

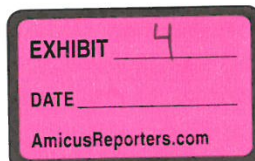
☐ RETURNED TO

☒ RELEASED TO

NAME	TITLE	DEPT.
Thomas Gaffney	Police Officer	Chicago Police Department

## THE FOLLOWING ITEM(S):

1. A City of Chicago Office of Inspector General DVD containing the following materials:
  - A copy of the portion of the March 16, 2015 Case Supplementary Report for R.D. No. HX475653 that memorializes Detective David March's October 20, 2014 interview of Thomas Gaffney;
  - Detective March's October 20, 2014 General Progress Report for R.D. No. HX475653 concerning March's October 20, 2014 interview of Thomas Gaffney;
  - A copy of the transcript of the October 21, 2014 interview of Thomas Gaffney, conducted by Independent Police Review Authority Investigation Brian Killen;
  - The October 20, 2014 Tactical Response Report for R.D. No. HX475653;
  - The October 20, 2014 Officer's Battery Report for R.D. No. HX475653;
  - The October 20, 2014 audio and video files for the in-car video system of beat number 813R;
  - The October 20, 2014 audio and video files for the in-car video system of beat number 845R;



- The October 20, 2014 Dunkin Donuts security video of the Laquan McDonald shooting;

**ACKNOWLEDGEMENT**

I hereby acknowledge receipt in writing of the above-listed item(s).

Signature Thomas Gaffney

Date 26 APR 16

Printed Name THOMAS GAFFNEY

Time 2212

**WITNESSES**

[Signature] 879

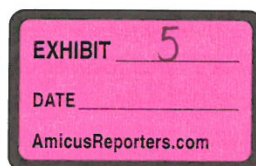


STATEMENT OF P.O. THOMAS GAFFNEY

CONDUCTED BY INVESTIGATOR KILLEN

ON OCTOBER 21, 2014 AT 0406 HOURS

AT AREA CENTRAL POLICE HEADQUARTERS



1072125  
76-05  
160

1 KILLEN: This is the audio recorded interview of Officer  
2 Thomas Gaffney regarding Log number 1072125 U  
3 number 14 dash 36. Today is the 21st of October  
4 2014. And the time is approximately 0406 hours.  
5 This statement is bein' taken at Area Central  
6 Police Headquarters at 51<sup>st</sup> and Wentworth. My  
7 name is Investigator Killen, that's spelled K I L  
8 L E N. My star number is 1 2 9. Also present is  
9 FOP attorney Dan Herbert. (noise) Dan if you  
10 would say and spell your first and last names.  
11 HERBERT: Sure Dan, D A N, Herbert, H E R B E R T.  
12  
13 KILLEN: And uh also is uh FOP Representative Kato.  
14 KATO: K R I S T O N. Last name is K A T O. (clears  
15 throat) FOP.  
16  
17 KILLEN: And Officer Gaffney if you would say and spell  
18 your first and last names for me.  
19 P.O.GAFFNEY: My first name Thomas Gaffney, T H O M A S.  
20 G A F F N E Y.  
21  
22 KILLEN: Okay and what's your star number?  
23 P.O.GAFFNEY: 1 9 9 5 8.  
24  
25 KILLEN: And your employee number?  
26 P.O.GAFFNEY: [REDACTED]  
27  
28 KILLEN: And your uh current unit of assignment? (noise)  
29 P.O.GAFFNEY: 8<sup>TH</sup> District.  
30  
31 KILLEN: Okay and (noise) what's your date of appointment  
32 with the (noise) Department?

1 P.O.GAFFNEY: Uh 8 July '96.  
2  
3 KILLEN: And your date of birth?  
4 P.O.GAFFNEY: [REDACTED]  
5  
6 KILLEN: How long you been in 8?  
7 P.O.GAFFNEY: Uh since 2000, 2001 I'm sorry. Summer  
8 2001. (clears throat)  
9  
10 KILLEN: All right and then you're aware that this  
11 statement has the standing of an official  
12 Department report. And that any intentional  
13 falsification of any answer to any question would  
14 be in direct violations of rules and regulations?  
15 P.O.GAFFNEY: Yes.  
16  
17 KILLEN: Given that, I (sighs) I'd like to remind you that  
18 failure to provide a complete and accurate  
19 account of this incident could result in a  
20 finding of Rule 14 with discipline leading up to  
21 and including separation from the Chicago Police  
22 Department. Do you understand that?  
23 P.O.GAFFNEY: Yes.  
24  
25 KILLEN: All right and then you're aware that there are no  
26 allegations against you uh regarding this  
27 incident correct?  
28 P.O.GAFFNEY: Yes.  
29  
30 KILLEN: Okay. So on 20 October 2014 at approximately  
31 2150 hours what was your duty status and  
32 assignment?

1 P.O.GAFFNEY: Uh this statement is not being given  
2 voluntary but under duress. I am only givin'  
3 this statement because I know I will be fired if  
4 I refuse.  
5  
6 KILLEN: Okay. So yesterday 20 October 2014 approximately  
7 2150 hours what was your duty status?  
8 P.O.GAFFNEY: Um I was on duty workin' Beat 815 Robert.  
9  
10 KILLEN: Okay. And were you uh were you assigned a  
11 partner?  
12 P.O.GAFFNEY: Yes I was, Joseph McElligott.  
13  
14 KILLEN: Okay were you uniformed?  
15 P.O.GAFFNEY: Yes.  
16  
17 KILLEN: And so was McElligott right?  
18 P.O.GAFFNEY: Yes.  
19  
20 KILLEN: Okay. And you and Officer McElligott you guys  
21 were assigned a car?  
22 P.O.GAFFNEY: Yes.  
23  
24 KILLEN: What kinda car?  
25 P.O.GAFFNEY: Uh squad, marked squad car uh Tahoe.  
26  
27 KILLEN: Okay. Were you the driver or the passenger?  
28 P.O.GAFFNEY: I was the driver.  
29  
30 KILLEN: Okay. And then last night about 2150 hours you  
31 and uh Officer McElligott were witnesses to a  
32 police-involved shooting correct?

1 P.O.GAFFNEY: Yes.

2

3 KILLEN: All right and um (someone clears throat) if you  
4 would, if you'd start from the beginning and just  
5 run me through what happened.

6 P.O.GAFFNEY: Uh we received a call holding offender at  
7 forty, 4100 South Kildare. Um there supposedly  
8 somebody had broken into a, a truck uh vehicles  
9 um tryin' to get radios somethin' like that. So  
10 we, we were on Archer approximately Kostner  
11 Kenneth. I came uh, came to the (noise) we got  
12 the job came uh down Kostner to 47<sup>th</sup>, 47<sup>th</sup> to  
13 Kildare and Kildare right to 4100 South Kildare.

14

15 KILLEN: So you were comin' from the south goin' north  
16 correct?

17 P.O.GAFFNEY: Yes.

18

19 KILLEN: Okay. (someone clears throat) So you got the  
20 call are you, you were dispatched?

21 P.O.GAFFNEY: Yes.

22

23 KILLEN: OEMC?

24 P.O.GAFFNEY: Yes.

25

26 KILLEN: Radio?

27 P.O.GAFFNEY: Yes.

28

29 KILLEN: Okay. So then when you get to 41<sup>st</sup> and Kildare  
30 what, what happens?

31 P.O.GAFFNEY: Uh there was a male Hispanic and a female  
32 Hispanic uh standing by a gate um to the truck

1 yard. Um the gate was partially opened and uh  
2 the female had a chain in 'er hand and then we  
3 stopped and spoke to them.

4

5 KILLEN: Whaddid they tell ya?

6 P.O.GAFFNEY: They said that the guy just went around the  
7 corner. Um he was uh in the, in the you know lot  
8 tryin' to get um tryin' to get into trucks. Uh  
9 he had uh somethin' in his hand, he had uh a wire  
10 from a phone in his hand. And he said somethin'  
11 about a iPhone, I don't know if he was sayin'  
12 that he took an iPhone or he left an iPhone but  
13 he said that he went around the corner so then  
14 we, we asked 'em you know what he looked like,  
15 what he was wearin'? He said he's a male black  
16 with the dark shirt. So at that time we, we went  
17 up the street and turned the corner. (someone  
18 clears throat)

19

20 KILLEN: So they, they, did those two, that, did that man  
21 and woman tell you which way the, the offender  
22 went?

23 P.O.GAFFNEY: Yes. Yeah he just pointed, he pointed north  
24 um and he said he went around the corner.

25

26 KILLEN: Okay so then that'd, that's 41<sup>st</sup> Street?

27 P.O.GAFFNEY: Yeah towards 40<sup>th</sup> Street.

28

29 KILLEN: Okay. And what happens then?

30 P.O.GAFFNEY: So we went, we went up the, up the block to  
31 40<sup>th</sup> Street and we turned um east on 40<sup>th</sup> Street  
32 and we, (inaudible) when we turned we seen um you

1 know somebody walkin'. So we approached 'em,  
2 drove up to 'em and at that time we seen it was a  
3 male black with dread locks. You know and he had  
4 a dark shirt on. So at that time my, my partner  
5 had gotten outta the vehicle (clears throat) and  
6 he had his flashlight you know he's shining on  
7 'em. You know tell 'em to come 'ere. So at that  
8 time he just kinda had a look, you know a weird  
9 look in his face you know like glazed eyes and  
10 stuff lookin' at us. So I stayed in my car in  
11 case he was gonna run. So at that time you know  
12 my partner kind of approached 'em a lil bit more  
13 and that's when he, he had seen you know tell 'em  
14 to get his hands outta his pocket cause he had  
15 one hand in his pocket. And then he had seen  
16 something in his you know a shiny object in his  
17 hand. And I, I heard 'em say you know he's got a  
18 knife. So that's when you know cuz then I, at  
19 first I was still in the car so I didn't really  
20 see, see the knife at that time. But once my  
21 partner said that that's when I kinda looked and  
22 I, at that time like I said we're all still  
23 walking or still moving. So then the street  
24 lights were a lil bit more as we were walkin' I,  
25 I seen a knife also in his hand.

26  
27 KILLEN: Okay so this, so this point when you first see  
28 this guy he's on what street?

29 P.O.GAFFNEY: He's on 40<sup>th</sup> Street.

30

31 KILLEN: And he's, he's headed which way?

32 P.O.GAFFNEY: Uh east.

1  
2 KILLEN: So he's headed toward Pulaski?  
3 P.O.GAFFNEY: Yes.  
4  
5 KILLEN: All right is he by himself?  
6 P.O.GAFFNEY: Yes.  
7  
8 KILLEN: Is he, like is he on the sidewalk --  
9 P.O.GAFFNEY: On the, at that time he was on the sidewalk.  
10  
11 KILLEN: Which side of the street would he be on?  
12 P.O.GAFFNEY: Uh south side.  
13  
14 KILLEN: So on the passenger side of your vehicle?  
15 P.O.GAFFNEY: Yes. Yes.  
16  
17 KILLEN: All right so then you guys pull up, you pulled  
18 alongside of 'em?  
19 P.O.GAFFNEY: Yes.  
20  
21 KILLEN: And then the officer --  
22 P.O.GAFFNEY: Not quite, well not quite right next to 'em  
23 but yeah he was still like I said he was still  
24 walking but he was in front of the car. You know  
25 like in front of the area as we were walkin' and  
26 movin' at the same time.  
27  
28 KILLEN: You're kinda behind 'em?  
29 P.O.GAFFNEY: Yeah, yeah but yeah.  
30  
31 KILLEN: And McElligott gets outta the car?  
32 P.O.GAFFNEY: Yes.



1  
2 KILLEN: Flashlight in hand.  
3 P.O.GAFFNEY: Yes.  
4  
5 KILLEN: And he says come here?  
6 P.O.GAFFNEY: Well yeah, yeah he starts you know come  
7 here. You know get your hand outta your pocket.  
8 And you know but he, he like I said he turned  
9 around, spun around a couple times and  
10 (inaudible) get to walking never said anything to  
11 us.  
12  
13 KILLEN: Which hand was in his pocket do you remember?  
14 P.O.GAFFNEY: I think it was his left hand cause he had  
15 the other hand had whatever was in his, you know  
16 what he had in his hand at the time.  
17  
18 KILLEN: And do you know what was in his hand?  
19 P.O.GAFFNEY: Not at that time I didn't.  
20  
21 KILLEN: Okay.  
22 P.O.GAFFNEY: Like I said my partner, he, when my, my  
23 partner said he's got a knife that's when I kinda  
24 you know like I said as we were walkin' the  
25 street lights got a lil brighter and I was able  
26 to kinda look you know look over at the, and then  
27 see that he did have, you could tell you know it  
28 was in his hand and the blade was stickin' out.  
29  
30 KILLEN: Okay. And when you say he turned around a couple  
31 times does he keep 'em goin' east toward Pulaski?  
32 P.O.GAFFNEY: Yeah he, he always kept goin'.

1

2 KILLEN: So he never stops?

3 P.O.GAFFNEY: No he never stopped he just kept walkin'. A  
4 couple times he went into the street but not,  
5 just like a step or two in the street but he just  
6 kept walkin' eastbound.

7

8 KILLEN: And he was by himself?

9 P.O.GAFFNEY: Yes.

10

11 KILLEN: All right so then so McElligott approaches 'em  
12 and then you hear McElligott say he's got a  
13 knife?

14 P.O.GAFFNEY: Yeah when he said he has a knife that's when  
15 I you know that's when I kinda like sat up a lil  
16 bit to look, to look, get a better look and  
17 that's when I, I seen it too.

18

19 KILLEN: Okay that was in his right hand then? Is that --

20 P.O.GAFFNEY: Yeah, yeah it was in his right hand.

21

22 KILLEN: So what happens then?

23 P.O.GAFFNEY: Uh at that time like I said (noise) my  
24 partner still kept you know tellin', that's what  
25 he said drop the knife, drop the knife. You know  
26 put the knife down whatever. And I got on the  
27 radio and you know got on the radio and said you  
28 know the guy's got a knn, we're at 40<sup>th</sup> and Kee,  
29 uh Keeler approachin' Keeler. Uh he's got a  
30 knife. Could we get another car over here with a  
31 taser.

32

1 KILLEN: So you don't carry a taser?  
2 P.O.GAFFNEY: No I didn't, no.  
3  
4 KILLEN: McElligott he doesn't carry --  
5 P.O.GAFFNEY: No he didn't have one either.  
6  
7 KILLEN: Okay. So what happens then?  
8 P.O.GAFFNEY: Well like I said we I, I, I called it in  
9 then the dispatcher you know asked for other cars  
10 and other cars said they were comin'. So we  
11 just, we just kept stayin' you know keepin' our  
12 distance at the time you know I kept drivin'  
13 along. And um we just (noise) kept walkin' with  
14 'em (noise) You know he never you know like came  
15 at us or anything at that time. He just kept  
16 like walkin', my partner still kept givin' 'em  
17 verbal commands and droppin' the knife and you  
18 know stop and that type a thing. But you know he  
19 just kept walkin' turning around lookin' back at  
20 us you know just that weird glaze look.  
21  
22 KILLEN: Did he ever say anything?  
23 P.O.GAFFNEY: No never said a word to us at all.  
24  
25 KILLEN: Okay.  
26 P.O.GAFFNEY: (Clears throat)  
27  
28 KILLEN: So then what happens?  
29 P.O.GAFFNEY: We kept (noise) goin' east. When we're,  
30 we're approaching uh Karlov, 40<sup>th</sup> and Karlov I  
31 knew the next block there was the Burger King,  
32 there was a truck lot so we were gonna get more

1 people. So as we approached the, pretty much the  
2 corner of Karlov I like kinda turned my car  
3 towards him a lil bit on you know and you know to  
4 try and maybe get 'em to go down Karlov cause  
5 there's more, you know there's just factories so  
6 there's no people down that way. So and then uh -  
7 -  
8  
9 KILLEN: So the purpose of doin' that is keep 'em away  
10 from --  
11 P.O.GAFFNEY: Yeah like try to slow 'em down until other  
12 cars got 'ere and make 'em see if he would maybe  
13 even go down the side street.  
14  
15 KILLEN: Okay.  
16 P.O.GAFFNEY: You know keep 'em from getting to that more  
17 populated area where there were cars and people.  
18 (someone clears throat) So when I did that, he  
19 kinda like took a step towards and swung his uh,  
20 his arm down. When he did that that's when I  
21 heard like pssss a sound and I knew that he  
22 popped a tire. (noise)  
23  
24 KILLEN: Okay.  
25 P.O.GAFFNEY: And then one, once he did that I got on the  
26 radio and said you know squad he just popped our  
27 tire. So (clears throat) --  
28  
29 KILLEN: Where's McElligott at this time?  
30 P.O.GAFFNEY: He was still walk but he was, he was still  
31 walkin' with us but he was at like towards the  
32 back of the car.

1

2 KILLEN: Okay.

3 P.O.GAFFNEY: You know the back you know he still kept his  
4 distance. So (noise) (clears throat) once he did  
5 that, once he popped the tire again he just with  
6 that glazed stare, that glazed eye stare once he  
7 did that he like stepped back like took a step  
8 back, back away from the car. So I pulled up a  
9 lil bit further in front of 'em to you know try  
10 and maybe stop 'em or get 'em to go down that  
11 street. That's when he just took a step toward  
12 me and swung his arm really hard and hit the  
13 windshield with the knife.

14 HERBERT: And if I could just indicate for the record, with  
15 his right hand holdin' behind his, behind his  
16 head (someone clears throat) bringin' it down in  
17 a striking motion.

18 P.O.GAFFNEY: Yeah he, he as hard as he could he was  
19 attempting to break that windshield.

20

21 KILLEN: And how many times did he hit the windshield?

22 P.O.GAFFNEY: Just once. It was just once. Went real hard  
23 swing right, right on the windshield.

24

25 KILLEN: What happens?

26 P.O.GAFFNEY: Obviously nothin', I didn't see nothin'  
27 break but then he walked around the front of the  
28 car and kept walkin' eastbound on 40<sup>th</sup> Street.  
29 And then at that time, maybe 10 to 15 more feet  
30 that's when you could hear um some you know some  
31 sirens. And then a squad car came off a Pulaski  
32 onto 40<sup>th</sup> Street with their lights on. At that

1 time he seen that and that's when he started to  
2 run. Oh yeah I, I, I (noise) got on the radio  
3 and some, one, one of us, I don't remember but  
4 somebody did say that he was you know he started  
5 to run towards you know towards the, the truck  
6 lot, the trucks.  
7  
8 KILLEN: Okay so, so you're still basically sittin' over  
9 at 40<sup>th</sup> and Karlov right? You see 'nother car  
10 come up Pulaski?  
11 P.O.GAFFNEY: Yeah that's, yeah he, 'nother car came off  
12 Pulaski onto 40<sup>th</sup> Street.  
13  
14 KILLEN: So --  
15 P.O.GAFFNEY: That, that's when he seen that and that's  
16 when he started runnin'.  
17  
18 KILLEN: So when they turn west on 40<sup>th</sup> he runs --  
19 P.O.GAFFNEY: Yeah he runs --  
20  
21 KILLEN: -- east towards Pulaski?  
22 P.O.GAFFNEY: -- he, he, he's still goin' towards Pulaski  
23 but he went off a, off a the sidewalk and um  
24 into, it was like a, an empty space where the  
25 trucks, the truckers park so they can sleep or  
26 whatever. And he (noise) ran that way between  
27 two trucks.  
28  
29 KILLEN: Okay. (noise)  
30 P.O.GAFFNEY: So at that time (noise) my partner started  
31 runnin' and I drove the car, I drove the car up  
32 to the entrance of the Burger King lot and went

1           into the Burger King lot. And before I did that  
2           the other car that came off went into the Burger  
3           King lot also. So I just, I seen 'em come outta,  
4           between the trucks. I ran, I kept drivin'  
5           towards, towards the, the end of the lot, towards  
6           Pulaski and that's, he ran and then I stopped  
7           cause I (noise) my tire was pretty much flat. So  
8           I couldn't get, I wasn't gonna go over the curb  
9           and then the other car was behind 'em. He ran  
10          into like towards the street and the other car  
11          followed 'em went over the curb and followed 'em.

12

13 KILLEN: Do you know who, who's that other car you're  
14          talkin' about? Do you know who that is?

15 P.O.GAFFNEY: At the time I didn't but now I know it was  
16          845 Robert.

17

18 KILLEN: Okay. And that's the car he's talkin' 'bout  
19          Pulaski and --

20 P.O.GAFFNEY: Yeah.

21

22 KILLEN: -- where they U turn and go back at 'em?

23 P.O.GAFFNEY: That's the one, that's the one yeah that's  
24          the one that I, I (noise) know, I found out that  
25          was the one that went over the curb, yeah.

26

27 KILLEN: Okay so you stop your (someone clears throat) car  
28          where then?

29 P.O.GAFFNEY: Pretty much right behind the parkin' lot.  
30          Before, before going over the curb and into the  
31          street. (noise)

32

1 KILLEN: Okay. And then, and you stopped because of the  
2 (noise) flat?

3 P.O.GAFFNEY: Yeah cause I, I, I didn't wanna, I didn't  
4 know if I was gonna make it over the, cuz it was  
5 like you know that lil part there's like lil the,  
6 the, cement tongue if you will, that, that's the  
7 parkin' lot. (noise) You know if I was gonna get  
8 over it.  
9

10 KILLEN: And you see 845 Robert continue.

11 P.O.GAFFNEY: Yeah they went they continued followin' 'em  
12 and went into the street. So I --  
13

14 KILLEN: And that's Pulaski you're talkin' about?

15 P.O.GAFFNEY: Yeah. Into Pulaski. So I spun around went  
16 behind the park, behind the Burger King you know  
17 there's a street, (inaudible) back towards  
18 Pulaski where it goes out to the street on  
19 Pulaski. (noise)  
20

21 KILLEN: Okay so, so you don't take the curb at all. You  
22 just --

23 P.O.GAFFNEY: No, no I, I, I turn around, I turned around  
24 and went around the parkin' lot to, to get out  
25 where there's a, there's the light on 41<sup>st</sup> Street.  
26 (noise)  
27

28 KILLEN: And that's where your car's stopped?

29 P.O.GAFFNEY: And then yeah I turned on Pulaski and that's  
30 where my, that's where I finally stopped.  
31



1 KILLEN: That's when, when I saw your car was south,  
2 facin' south --

3 P.O.GAFFNEY: Yes. Yes that's right, that's where I  
4 stopped.

5

6 KILLEN: Okay so then do you see what happens then after,  
7 with, with the offender and 845 Robert then?

8 P.O.GAFFNEY: No that was all, yeah that was I believe  
9 done before I got onto Pulaski. Cause I, I spun  
10 around and that's when I, I heard, I started to  
11 hear shots before I got onto Pul, I think when I  
12 got onto Pulaski there was other cars and stuff  
13 in front of me too. So I didn't see what exactly  
14 was goin' on.

15

16 KILLEN: So you're basically goin' around Burger King.

17 P.O.GAFFNEY: Yeah that's when the shots I believe that's  
18 when the shots started firin'.

19

20 KILLEN: You heard gunshots?

21 P.O.GAFFNEY: Yeah.

22

23 KILLEN: At the time did you know who was shootin'?

24 P.O.GAFFNEY: No I didn't know.

25

26 KILLEN: Could you see who was shootin'?

27 P.O.GAFFNEY: No.

28

29 KILLEN: That's because --

30 P.O.GAFFNEY: Well there's a, yeah well there's a fence  
31 also right, opposite side of Burger King where,  
32 where we blocked, pretty much blocked. The fence

1           with uh, like a covering you know covering fence  
2           so nobody could see through the fence. Cause  
3           they were building some stuff there. So yeah  
4           there was that was all blockin' me.  
5  
6 KILLEN:   There's (noise) no line a sight.  
7 P.O.GAFFNEY:   No, no.  
8  
9 KILLEN:   Okay.  
10 P.O.GAFFNEY:   No.  
11  
12 KILLEN:   So then by the time you, you get south on Pulaski  
13           there's no more shooting correct?  
14 P.O.GAFFNEY:   I believe yeah I believe so. I don't  
15           (noise) remember any shooting at, at, when I got  
16           onto Pulaski.  
17  
18 KILLEN:   Where (noise) when you got on Pulaski and you're  
19           goin' south could you see the offender still?  
20 P.O.GAFFNEY:   No not, not until I got outta the car and  
21           started to go you know 'round to, to where  
22           everything was goin' on.  
23  
24 KILLEN:   Where was he?  
25 P.O.GAFFNEY:   The offender he was on the ground at the  
26           time when I, when I got over there.  
27  
28 KILLEN:   Okay. And it's after that then you find out  
29           who's shooting what happened?  
30 P.O.GAFFNEY:   Yeah, yeah.  
31

1 KILLEN: Okay. (noise) You didn't see the shooting, you,  
2 you (noise) you didn't see Officer Van Dyke  
3 discharge the weapon?  
4 P.O.GAFFNEY: No I didn't, no.  
5  
6 KILLEN: Okay. (sighs) And then that, that, (noise) the  
7 two people that called 9 1 1 said they were  
8 holdin' the offender.  
9 P.O.GAFFNEY: Hmm huh.  
10  
11 KILLEN: Do you have any idea who they are?  
12 P.O.GAFFNEY: No not at the time, no. Cause right when  
13 they just said he went around the corner, they  
14 gave a quick description. We just wanted to go  
15 and you know see if we can catch 'em. We didn't  
16 know how long ago it was. Or where he would've  
17 went. So we just you know went and see if we  
18 could grab 'em and figured they woulda still been  
19 there when we got back.  
20  
21 KILLEN: Okay. And then the knife that the offender had,  
22 as best you can describe it to me?  
23 P.O.GAFFNEY: Uh all silver, real bright. And prob'ly  
24 'bout four to six inch blade.  
25  
26 KILLEN: Okay. All right. Uh was there anything you'd  
27 like to add?  
28 P.O.GAFFNEY: No.  
29  
30 KILLEN: All right everything you told me is a true and  
31 accurate account of what occurred?  
32 P.O.GAFFNEY: Yes.

1

2 KILLEN: All right this will conclude the audio recorded  
3 interview of Officer Thomas Gaffney regarding Log  
4 number 1072125 U number 14 dash 36. Today is the  
5 21<sup>st</sup> of October 2014. The time is approximately  
6 0424 hours.

1

2

3

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10

11

12

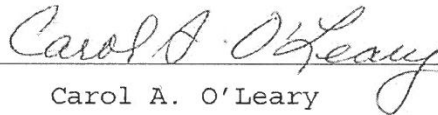
13

14

15

16

I, CAROL A. O'LEARY, do hereby certify or affirm that  
I have impartially transcribed the foregoing from an audio  
recording of the above-mentioned proceeding to the best of  
my ability.

  
Carol A. O'Leary

3510 S. Michigan Avenue, Chicago, Illinois 60653  
(For use by Chicago Police - Bureau of Investigative Services Personnel Only)

Case id : 9825613  
Sup ID : 10992767 CASR301

THIS IS A FIELD INVESTIGATION EXC. CLEARED CLOSED (OTHER EXCEPTIONAL) REPORT

OIG 15-0564 013605

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

GAFFNEY, Thomas J -----

stated he was a Chicago Police Officer assigned to the 008th District. He was on duty, in uniform, working on Beat 815R. GAFFNEY was working with Police Officer Joseph MCELLIGOTT. The two officers were assigned to Chicago Police Department vehicle number 8489, a marked Chevrolet Tahoe, four door sport utility vehicle. GAFFNEY was driving the vehicle and MCELLIGOTT was the passenger.

The officers responded to an assignment of holding an offender for breaking into trucks at 41st Street and Kildare Avenue. Upon arrival at that location they met an Hispanic couple who told the officers a black male subject, wearing a dark shirt, had attempted to break into trucks parked in the parking lot at that location. The couple told the officers the subject had walked off and was last seen walking eastbound on 40th Street from Kildare.

Officer GAFFNEY drove northbound on Kildare to 40th Street. When he turned eastbound onto 40th Street he saw a black male subject wearing dark clothing, walking eastbound on the sidewalk, on the south side of the street. Officer MCELLIGOTT exited the police vehicle to approach the subject, now known as Laquan MCDONALD. GAFFNEY stayed in the vehicle in case MCDONALD fled. MCELLIGOTT called to MCDONALD and told him to stop but MCDONALD continued walking eastbound, ignoring MCELLIGOTT. MCDONALD's hands were in his pockets as he walked. MCELLIGOTT told MCDONALD to take his hands out of his pockets. MCDONALD took his hands out of his pockets and MCELLIGOTT told GAFFNEY that MCDONALD had a knife. GAFFNEY then saw a silver colored knife in MCDONALD's right hand. GAFFNEY also saw that MCELLIGOTT had his handgun drawn at this point. MCELLIGOTT repeatedly ordered MCDONALD to "Drop the knife," but MCDONALD ignored these directions. As MCDONALD



reached Keeler Avenue, GAFFNEY notified the dispatcher on the police radio that they were following a subject with a knife and requested assistance from a unit equipped with a taser.

MCDONALD continued walking eastbound, Officer MCELLIGOTT following on foot and Officer GAFFNEY following in the police vehicle. As MCDONALD approached Karlov Avenue, GAFFNEY turned the Tahoe southbound onto Karlov and stopped, blocking the crosswalk. GAFFNEY said he wanted to stop MCDONALD before he reached Pulaski Road, a business street where more civilians were present. The area where MCDONALD was first observed was industrial in nature with no other civilians present. When GAFFNEY stopped his vehicle in front of MCDONALD, blocking his path, MCDONALD stabbed the right front tire of the Tahoe with his knife, causing the tire to go flat. GAFFNEY immediately informed the radio dispatcher that MCDONALD had "popped" the tire. MCDONALD attempted to walk around the front of the police vehicle and GAFFNEY drove the Tahoe forward a short distance to continue to block MCDONALD's path. MCDONALD then stabbed at the windshield of the Tahoe with the knife, striking the right side of the windshield. MCDONALD then continued walking eastbound from Karlov.

As MCDONALD approached the Burger King restaurant parking lot at 40th Street and Pulaski, assisting police units arrived, approaching westbound on 40th Street from Pulaski. MCDONALD began to run eastbound through the restaurant parking lot, on the north side of the Burger King building. He ran out onto Pulaski and then turned and ran southbound on Pulaski. Beat 845R pursued MCDONALD in their police vehicle, eastbound through the parking lot, over the curb at Pulaski, then southbound on Pulaski. Officer GAFFNEY lost sight of MCDONALD when he turned southbound on Pulaski.

Because of the flat tire on his vehicle, Officer GAFFNEY did not drive over the curb. As he drove around out onto Pulaski, GAFFNEY heard multiple gunshots in rapid succession. He did not see who was shooting. When he reached Pulaski MCDONALD was lying on the ground.

It was noted that Officer GAFFNEY wore the same uniform configuration as Officer VAN DYKE with the addition of the uniform baseball style cap with embroidered patch.

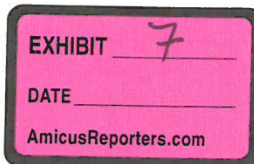
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GENERAL PROGRESS REPORT  
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT DATE OF THIS REPORT  
DAY MONTH YEAR DAY MONTH YEAR WATCH

20 OCT 2014 20 OCT 2014 3

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT VICTIM'S NAME AS SHOWN ON CASE REPORT BEAT/UNIT ASSIGNED  
0002 VANDYKE 5721

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

T GAGNEY

P 1 OF 2

RESPONDED TO ASSIGNMENT

HOLDING O FOR BREAKING INTO TRUCKS, 41 + KIDNAP  
MET HISPANIC COUPLE

O = M/B, DARK SHIRT, ATTEMPTED TO BREAK INTO TRUCKS  
LAST SEEN E/B 40, FROM KIDNAP  
DROVE N/B KIDNAP, E/B 40

SAW M/B, DARK CLOTHING, E/B ON S SIDEWALK  
McE EXITED VEH TO APPROACH O ON FOOT  
GAGNEY STAYED IN VEH IN CASE O FLED

McE TOLD O TO STOP BUT O IGNORED/CONTINUED  
WALKING, HANDS IN POCKETS

McE TOLD O - HANDS OUT OF POCKETS  
HANDS OUT OF POCKETS

McE TOLD - HE HAS KNIFE  
SAW SILVER KNIFE IN R HAND  
S McE HAD DRAWN HANDBUN

McE = "DROD THE KNIFE!" REPEATEDLY  
O IGNORED

AT KIDNAP TG NOTIFIED DISPATCHED

O = KNIFE - TASER REQUESTED

REPORTING OFFICER'S SIGNATURE—STAR NO.  
[Signature] 20163

RECEIVED BY: SUPERVISOR'S SIGNATURE—STAR NO. DAY—MO.—YR. TIME  
[Signature] 1/1/14

R.D. NO. HX475653



GENERAL PROGRESS REPORT  
DETECTIVE DIVISION/CHICAGO POLICE

DATE OF ORIG. CASE REPORT  
DAY MONTH YEAR

DATE OF THIS REPORT  
DAY MONTH YEAR WATCH

20 OCT 2014

21 OCT 2014 3

OFFENSE CLASSIFICATION—LAST PREVIOUS REPORT

0552

VICTIM'S NAME AS SHOWN ON CASE REPORT

VAN DYKE

BEAT/UNIT ASSIGNED

5121

This form is designed for recording handwritten notes and memoranda which are made during the conduct of investigations, including: inter-watch memoranda (handwritten or typewritten), witness and suspect interview notes, on-scene canvas notes, and any handwritten personal notes made by detectives during the field investigation of violent crimes which are used to prepare official Department case reports.

T GAFFNEY

P 2 OF 2

O CONTINUED E/B. POS FOLLOWING  
AT KARLOV TG TURNED THE S/B + STOPPED,  
BLOCKING CROSSWALK

WANTED TO STOP O BEFORE PULASKI

BUSINESS ST — MORE CIVILIANS

WHEN TG STOPPED IN FRONT OF O,

O STABED R FRONT TIRE — FLAT

TG TOLD DISPATCHED O "POPPED" TIRE

O ATTEMPTED TO WALK AROUND FRONT OF TRUCK

DROVE FORWARD A LITTLE — CONTINUED TO BLOCK O

O STABED WINDSHIELD — R SIDE

O CONTINUED E/B FROM KARLOV

AS O APPROACHED BK LOT ASSISTING UNITS ARRIVED  
W/B ON 40

O RAN E/B THROUGH LOT N SIDE OF BK

ONTO PULASKI — THEN S/B

B40 R PURSUED OVER CURB IN THE THICK  
TG LOST SIGHT OF O

BECAUSE OF FLAT, TG DID NOT PURSUE. DROVE

AROUND, OUT TO PULASKI, HEARD MULTIPLE GUNSHOTS  
IN RAPID SUCCESSION DID NOT SEE WHO FIRED. SAW O CROSS  
PULASKI  
SAW O CROSS

REPORTING OFFICER'S SIGNATURE STAR NO.

Handwritten signature 20563

RECEIVED BY: SUPERVISOR'S SIGNATURE STAR NO.

Handwritten signature 1301

DAY-MO.-YR. TIME

1 1

RD NO.

H4425653



OFFICER'S BATTERY REPORT  
CHICAGO POLICE DEPARTMENT

RD NO HX475653

INSTRUCTIONS: This form is to be completed for all incidents when: (1) a sworn member is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while performing a police function either on-duty or off-duty, (2) a detention aide is the victim of a murder, aggravated battery, battery, aggravated assault, or assault while in the performance of his or her duties.

"X APPLICABLE BOXES"

OFFICER INFORMATION		INCIDENT INFORMATION	
NAME (LAST - FIRST - M.I.) GAFFNEY, THOMAS J		<input type="checkbox"/> 1. INDOOR <input checked="" type="checkbox"/> 2. OUTDOOR ADDRESS OF OCCURRENCE 4000 1/2 S KARLOV AVE	
STAR NO. 19958	POSITION POLICE OFFICER	CITY <input checked="" type="checkbox"/> CHICAGO	STATE (If outside Chicago)
DATE OF APPOINTMENT 08-JUL-1996	EMPLOYEE NO. [REDACTED]	LOCATION CODE 304-STREET	BEAT OF OCCURRENCE 0815
UNIT OF ASSIGNMENT 008	BEAT/CALL NO. 0815R	DATE OF OCCURRENCE 20-OCT-2014	TIME 21:56:00
SEX <input checked="" type="checkbox"/> 1. M <input type="checkbox"/> 2. F	RACE WHITE	DAY OF WEEK MONDAY	
HEIGHT 600	WEIGHT 195	NO. OF OFFICERS BATTERED <u>3</u>	
TYPE OF ASSIGNMENT WHEN BATTERY OCCURRED <input checked="" type="checkbox"/> 1. ON DUTY <input checked="" type="checkbox"/> A. UNIFORM, PATROL DUTY <input type="checkbox"/> B. UNIFORM, OTHER DUTY Describe _____ <input type="checkbox"/> C. CITIZEN'S DRESS <input type="checkbox"/> D. TACTICAL <input type="checkbox"/> E. B.I.S. UNIT <input type="checkbox"/> F. SPECIAL EMPLOYMENT <input type="checkbox"/> G. OTHER _____ <input type="checkbox"/> 2. OFF DUTY <input type="checkbox"/> 3. SPECIAL EMPLOYMENT <input type="checkbox"/> 4. SECONDARY / OTHER _____ WORKING: <input type="checkbox"/> A. ALONE <input checked="" type="checkbox"/> B. WITH ONE PARTNER <input type="checkbox"/> C. WITH MULTIPLE PARTNERS How many? _____ PATROL TYPE: <input checked="" type="checkbox"/> A. SQUAD CAR <input type="checkbox"/> B. FOOT <input type="checkbox"/> C. BICYCLE <input type="checkbox"/> D. APV/MOTORCYCLE <input type="checkbox"/> E. SQUADROL <input type="checkbox"/> F. OTHER _____		WERE THERE ASSISTING UNITS ON SCENE?    1. <input checked="" type="checkbox"/> YES    2. <input type="checkbox"/> NO IF YES HOW MANY ASSISTING OFFICERS WERE PRESENT AT TIME BATTERY (EXCLUDING YOU OR YOUR PARTNERS)? <u>8</u>	
TYPE OF ACTIVITY <input type="checkbox"/> A. AMBUSH - NO WARNING <input type="checkbox"/> B. TRAFFIC STOP/PURSUIT <input type="checkbox"/> C. INVESTIGATING SUSPICIOUS PERSON <input type="checkbox"/> D. DISTURBANCE - DOMESTIC <input type="checkbox"/> E. DISTURBANCE - MENTAL PATIENT <input type="checkbox"/> F. DISTURBANCE - RIOT/MOB ACTION/CIVIL DISORDER <input type="checkbox"/> G. DISTURBANCE - OTHER <input type="checkbox"/> H. MAN WITH A GUN <input type="checkbox"/> I. PURSUING/ARRESTING OFFENDER (Specify) CHARGE _____ IUCR CODE _____ <input type="checkbox"/> J. PROCESSING/TRANSPORTING/GUARDING A PRISONER (Specify) ORIGINAL CHARGE _____ ORIGINAL IUCR CODE _____ <input checked="" type="checkbox"/> K. OTHER _____		MANNER OF ATTACK <input type="checkbox"/> 01. SHOT <input type="checkbox"/> 02. SHOT AT <input checked="" type="checkbox"/> 03. STABBED/CUT (INCLUDING ACTUAL ATTEMPT) <input type="checkbox"/> 04. STRUCK/BLUNT FORCE (INCLUDING ACTUAL ATTEMPT) <input type="checkbox"/> 05. OTHER (INCLUDING VERBAL THREATS) _____ TYPE OF WEAPON/THREAT (Check all that apply): <input type="checkbox"/> A. FIREARM CALIBER _____ <input type="checkbox"/> 1. REVOLVER <input type="checkbox"/> 2. SEMI-AUTOMATIC <input type="checkbox"/> 3. RIFLE <input type="checkbox"/> 4. SHOTGUN <input type="checkbox"/> B. VEHICLE <input type="checkbox"/> 1. OFFICER STRUCK WITH VEHICLE <input type="checkbox"/> 2. ATTEMPTED TO STRIKE OFFICER WITH VEHICLE <input checked="" type="checkbox"/> C. KNIFE/OTHER CUTTING INSTRUMENT <input type="checkbox"/> I. BLUNT INSTRUMENT FIREARM USE INFORMATION (Check all that apply): <input type="checkbox"/> A. OFFICER AT GUNPOINT <input type="checkbox"/> B. OFFICER'S OWN WEAPON OBTAINED <input type="checkbox"/> C. ATTEMPTED TO OBTAIN OFFICER'S OWN WEAPON <input type="checkbox"/> D. HANDS/FISTS <input type="checkbox"/> E. FEET <input type="checkbox"/> F. MOUTH (SPIT, BITE, ETC.) <input type="checkbox"/> G. VERBAL THREAT (ASSAULT) <input checked="" type="checkbox"/> H. OTHER (SPECIFY) <u>1 SWINGING KNIFE</u>	
TYPE OF INJURY TO OFFICER <input type="checkbox"/> A. PATROL <input type="checkbox"/> B. NON-FATAL - MAJOR INJURY (Broken Bones/Serious Lacerations/Internal Injuries) <input type="checkbox"/> C. NON-FATAL - MINOR INJURY (Bruises/Swelling/Minor Abrasions) <input checked="" type="checkbox"/> D. NONE APPARENT/NONE		WAS THE OFFENDER'S ACTIVITY: DRUG RELATED? <input type="checkbox"/> 1. YES <input type="checkbox"/> 2. NO <input checked="" type="checkbox"/> 3. UNKNOWN GANG RELATED? <input type="checkbox"/> 1. YES <input type="checkbox"/> 2. NO <input checked="" type="checkbox"/> 3. UNKNOWN NO. OF OFFENDERS PRESENT? <u>1</u>	
LIGHTING CONDITIONS AT INCIDENT <input type="checkbox"/> A. DAYLIGHT <input type="checkbox"/> D. DUSK <input type="checkbox"/> B. NIGHT <input checked="" type="checkbox"/> E. ARTIFICIAL LIGHT <input type="checkbox"/> 1. POOR <input checked="" type="checkbox"/> 2. GOOD		WEATHER CONDITIONS <input checked="" type="checkbox"/> A. CLEAR <input type="checkbox"/> D. FOG / SMOKE / HAZE <input type="checkbox"/> G. OTHER <input type="checkbox"/> B. RAIN <input type="checkbox"/> E. SLEET / HAIL <input type="checkbox"/> C. SNOW <input type="checkbox"/> F. SEVERE CROSS WIND APPROXIMATE OUTDOOR TEMPERATURE: <u>50 °F</u>	

CPD-11.451 (REV. 1/04)

EXHIBIT 8  
DATE \_\_\_\_\_  
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Unusual Circumstances Regarding Officer Control Tactics and Safety: (If you need more space use additional sheets).

REPORTING MEMBER - SIGNATURE  
GAFFNEY, THOMAS J

STAR NO.  
19958

WATCH COMMANDER / UNIT COMMANDING OFFICER - SIGNATURE STAR NO.  
MC NAUGHTON, DAVID R 120

CPD-11.451 (REV. 1/04)



## TACTICAL RESPONSE REPORT/Chicago Police Department

1. DATE OF INCIDENT 20-OCT-2014		2. TIME 21:56:00		3. ADDRESS OF OCCURRENCE 4000 1/2 S KARLOV AVE CHICAGO, IL 60632				4. LOCATION CODE 304		5. BEAT/SECTOR 0815									
6. POSITION 9161		7. LAST NAME GAFFNEY		8. FIRST NAME THOMAS J		9. STAR NO. 19958		10. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		11. RACE CODE WHI									
12. DATE OF APPT 08-JUL-1996		13. EMPLOYEE NO. [REDACTED]		14. UNIT & BEAT OF ASSIGNMENT 008 0815R		15. DUTY STATUS <input checked="" type="checkbox"/> On <input type="checkbox"/> Off		16. MEMBER INJURED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		17. MEMBER IN UNIFORM? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No									
18. LAST NAME MCDONALD		19. FIRST NAME LEQUAN		20. M.I. J		21. SEX <input checked="" type="checkbox"/> M <input type="checkbox"/> F		22. RACE BLK		23. DOB [REDACTED]									
24. ADDRESS [REDACTED]		25. TELEPHONE NO. [REDACTED]		26. WAS SUBJECT ARMED WITH OTHER CUTTING INSTRUMENT, OTHER (SPECIFY) <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		27. SUBJECT INJURED? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No		28. SUBJECT ALLEGED INJURY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		29. BY WHOM? DR PITZEL									
30. WHERE WAS MEDICAL TREATMENT OBTAINED? [REDACTED]		31. BY WHOM? DR PITZEL		32. CONDITION <input checked="" type="checkbox"/> Hospitalized <input type="checkbox"/> Apparently Normal		33. DID SUBJECT SUFFER FROM INJURY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		34. DID SUBJECT SUFFER FROM INJURY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		35. DID SUBJECT SUFFER FROM INJURY? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No									
36. CHARGES PLACED [REDACTED]		37. DNA <input type="checkbox"/> DNA		38. CB NO. [REDACTED]		39. IR NO. [REDACTED]		40. DNA <input type="checkbox"/> DNA		41. DNA <input type="checkbox"/> DNA									
42. SUBJECT'S ACTIONS		43. MEMBER'S RESPONSE		44. SUBJECT'S ACTIONS		45. MEMBER'S RESPONSE		46. SUBJECT'S ACTIONS		47. MEMBER'S RESPONSE									
PASSIVE RESISTER DID NOT FOLLOW VERBAL DIRECTION <input checked="" type="checkbox"/> STIFFENED (DEAD WEIGHT) <input type="checkbox"/> OTHER <input type="checkbox"/>		ACTIVE RESISTER FLED <input type="checkbox"/> PULLED AWAY <input type="checkbox"/> OTHER <input type="checkbox"/>		ASSAULT/ASSAULT IMMINENT THREAT OF BATTERY <input checked="" type="checkbox"/> OTHER <input type="checkbox"/>		ASSAULT/BATTERY ATTACK WITH WEAPON <input checked="" type="checkbox"/> ATTACK WITHOUT WEAPON <input type="checkbox"/> OTHER <input type="checkbox"/>		ASSAULT/DEADLY FORCE USES FORCE LIKELY TO CAUSE DEATH OR GREAT BODILY HARM <input checked="" type="checkbox"/> WEAPON <input checked="" type="checkbox"/> OTHER <input type="checkbox"/>		MEMBER PRESENCE <input checked="" type="checkbox"/> VERBAL COMMANDS <input type="checkbox"/> ESCORT HOLDS <input type="checkbox"/> WRISTLOCK <input type="checkbox"/> ARMBAR <input type="checkbox"/> PRESSURE SENSITIVE AREAS <input type="checkbox"/> CONTROL INSTRUMENT <input type="checkbox"/> OC/CHEMICAL WEAPON AUTHORIZATION <input type="checkbox"/> OTHER <input type="checkbox"/>		OPEN HAND STRIKE <input type="checkbox"/> TAKE DOWN / EMERGENCY HANDCUFFING <input type="checkbox"/> OC/CHEMICAL WEAPON <input type="checkbox"/> CANINE <input type="checkbox"/> TASER (Probe Discharge) <input type="checkbox"/> TASER (Contact Stun) <input type="checkbox"/> TASER (Laser Targeted) <input type="checkbox"/> TASER (Shock Delivered) <input type="checkbox"/> OTHER <input type="checkbox"/>		ELBOW STRIKE <input type="checkbox"/> CLOSED HAND STRIKE/PUNCH <input type="checkbox"/> IMPACT WEAPON (Describe in Box 40) <input type="checkbox"/> OTHER <input type="checkbox"/>		KNEE STRIKE <input type="checkbox"/> KICKS <input type="checkbox"/> IMPACT MUNITION (Describe in Box 40) <input type="checkbox"/> OTHER <input type="checkbox"/>		FIREARM <input type="checkbox"/> OTHER <input type="checkbox"/>	
48. OC/CHEMICAL WEAPON AUTHORIZED BY (NAME) [REDACTED]				49. ADDITIONAL INFORMATION SUBJECT ARMED WITH KNIFE															
50. POSITION [REDACTED]		51. STAR NO. [REDACTED]		52. UNIT [REDACTED]		53. WEAPON TYPE [REDACTED]													
54. WEAPON TYPE <input type="checkbox"/> 01 REVOLVER <input type="checkbox"/> 02 RIFLE <input type="checkbox"/> 03 SHOTGUN		55. WEAPON TYPE <input type="checkbox"/> 04 SEMI-AUTO PISTOL <input type="checkbox"/> 05 CHEMICAL WEAPON <input type="checkbox"/> 06 TASER (Probe Discharge) <input type="checkbox"/> 07 OTHER		56. INCIDENT OCCURRED <input type="checkbox"/> Indoors <input checked="" type="checkbox"/> Outdoors		57. LIGHTING CONDITIONS <input type="checkbox"/> 01 Daylight <input type="checkbox"/> 02 Night <input type="checkbox"/> 03 Dawn <input type="checkbox"/> 04 Dusk <input checked="" type="checkbox"/> 05 Poor Artificial <input checked="" type="checkbox"/> 06 Good Artificial		58. WEATHER CONDITIONS CLEAR											
59. TASER PART ID NO. [REDACTED]		60. WEAPON SERIAL NO. (Include Letters) [REDACTED]		61. CHICAGO GUN REG. NO. [REDACTED]		62. IL FIREARM OWNER ID NO. [REDACTED]		63. HANDGUN CERTIFICATE NO. [REDACTED]											
64. SPECIAL WEAPON CERTIFICATE NO. [REDACTED]		65. PROPERTY INVENTORY NO. [REDACTED]		66. TYPE OF AMMUNITION USED [REDACTED]		67. NO. OF WEAPONS DISCHARGED BY THIS MEMBER [REDACTED]		68. TOTAL NO. OF SHOTS MEMBER FIRED [REDACTED]											
69. WHO FIRED FIRST SHOT <input type="checkbox"/> 01 MEMBER <input type="checkbox"/> 02 OFFENDER <input type="checkbox"/> 03 OTHER (Specify) [REDACTED]		70. WAS FIREARM RELOADED DURING INCIDENT <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO		71. NO. OF CARTRIDGES/SHOT SHELLS RELOADED [REDACTED]		72. HOW WAS MEMBER'S HANDGUN WORN <input type="checkbox"/> 01 RT. SIDE (WAIST) <input type="checkbox"/> 02 LT. SIDE (WAIST) <input type="checkbox"/> 03 OTHER (Specify) [REDACTED]		73. DID MEMBER USE SIGHTS <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO											
74. HOW WAS MEMBER'S HANDGUN DRAWN <input type="checkbox"/> 01 STRONG SIDE DRAW <input type="checkbox"/> 02 CROSS DRAW <input type="checkbox"/> 03 OTHER (Specify) [REDACTED]		75. SPECIFY METHOD/EQUIPMENT USED TO RELOAD [REDACTED]		76. DID MEMBER USE SIGHTS <input type="checkbox"/> 01 YES <input type="checkbox"/> 02 NO		77. DESCRIBE PROTECTIVE COVER USED (LIGHT POLES, DOORWAYS, CAR, FURNITURE, ETC) [REDACTED]		78. DISTANCE BETWEEN INVOLVED MEMBER & OFFENDER WHEN FIRST SHOT WAS FIRED <input type="checkbox"/> 01 0 - 05 FT <input type="checkbox"/> 02 06 - 10 FT <input type="checkbox"/> 03 10 - 15 FT <input type="checkbox"/> 04 OVER 15 FT											
79. PERSON/OBJECT STRUCK AS RESULT OF THE DISCHARGE OF MEMBER'S WEAPON <input type="checkbox"/> 01 PERSON <input type="checkbox"/> 02 OBJECT <input type="checkbox"/> 03 BOTH <input type="checkbox"/> 04 UNKNOWN		80. POSITION OF MEMBER DISCHARGING WEAPON <input type="checkbox"/> 01 STANDING <input type="checkbox"/> 02 LYING DOWN <input type="checkbox"/> 03 SITTING <input type="checkbox"/> 04 KNEELING <input type="checkbox"/> 05 OTHER (SPECIFY) [REDACTED]		81. NOTIFICATIONS (OC OR TASER INCIDENT): <input type="checkbox"/> OEMC <input type="checkbox"/> DSS & LT/DIST. OF OCCUR. <input type="checkbox"/> CPIC		82. NOTIFICATIONS (FIREARM INCIDENT): <input type="checkbox"/> OEMC <input type="checkbox"/> DSS/DIST. OF OCCUR & OCIC <input type="checkbox"/> CPIC <input type="checkbox"/> DET. DIV.		83. Members will ensure that all required notifications and all witnesses to this use of force are documented in the appropriate case report.											
84. REPORTING MEMBER (Print Name) GAFFNEY, THOMAS J		85. STAR/EMPLOYEE NO. 19958		86. SIGNATURE [REDACTED]		87. DATE REVIEWED 21-OCT-2014 05:17:15		88. TIME [REDACTED]											
89. REVIEWING SUPERVISOR (Print Name) FRANKO, STEPHEN D		90. STAR NO. 1381		91. SIGNATURE [REDACTED]		92. DATE REVIEWED 21-OCT-2014 05:17:15		93. TIME [REDACTED]											

EXHIBIT

9

DATE

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# LIEUTENANT OR ABOVE/OCIC REVIEW

THE ON-CALL INCIDENT COMMANDER (OCIC) WILL COMPLETE THE REVIEW SECTION FOR 1) ALL INCIDENTS INVOLVING THE DISCHARGE OF A FIREARM BY A DEPARTMENT MEMBER, 2) ALL INCIDENTS INVOLVING THE SERIOUS INJURY OR DEATH OF A MEMBER OF THE PUBLIC SUBSEQUENT TO INTERACTIONS WITH A DEPARTMENT MEMBER, 3) ANY LESSER USE OF FORCE BY A DEPARTMENT MEMBER WHEN THAT USE OF FORCE STEMS FROM THE SAME INCIDENT DESCRIBED HERE IN 1 OR 2.

THE ASSIGNED INVESTIGATING SUPERVISOR THE RANK OF LIEUTENANT OR ABOVE FROM THE DISTRICT OF OCCURRENCE WILL COMPLETE THE REVIEW SECTION FOR ALL OTHER INCIDENTS.

75. SUBJECT'S STATEMENT REGARDING THE USE OF FORCE

☐ DNA

☐ REFUSED

☒ UNABLE TO INTERVIEW (Specify Reason)

Subject is deceased.

76. LIEUTENANT OR ABOVE/OCIC RATIONALE FOR BOX 77 FINDING

Officer Gaffney's actions were in compliance with the Department's Use of Force policy.

77. LIEUTENANT OR ABOVE/OCIC FINDING BASED UPON CURRENTLY AVAILABLE INFORMATION:

☒ I HAVE CONCLUDED THAT THE MEMBER'S ACTIONS WERE IN COMPLIANCE WITH DEPARTMENT PROCEDURES AND DIRECTIVES.

☐ I HAVE CONCLUDED THAT FURTHER INVESTIGATION IS REQUIRED.

LOG NO./CRNO 1072125 OBTAINED

78. LIEUTENANT OR ABOVE/OCIC (Print Name)

MC NAUGHTON, DAVID R

SIGNATURE

[Redacted Signature]

DATE COMPLETED TIME

21-OCT-2014 05:20:49

79. DISTRIBUTION OF ORIGINAL (RR)

A TRR PACKET, INCLUDING THE TRR AND COPIES OF THE BELOW LISTED ATTACHMENTS WILL BE FORWARDED TO THE INDEPENDENT POLICE REVIEW AUTHORITY.

ATTACHMENTS - PHOTOCOPIES OF:

☐ CASE REPORT  
☐ ARREST REPORT

☐ SUPPLEMENTARY REPORT

☒ OFFICER BATTERY REPORT

☐ TO FROM SUBJECT REPORTS FROM DEPARTMENT WITNESSES

☐ I/O D. REPORT

☐ CR INITIATION REPORT

80. TOTAL TRRs THIS EVENT No.

3

**IN-CAR VIDEO SYSTEMS**

ISSUE DATE:	23 February 2012	EFFECTIVE DATE:	23 February 2012
RESCINDS:	Version dated 20 April 2011; S10-10		
INDEX CATEGORY:	Field Operations		

**I. PURPOSE**

This directive:

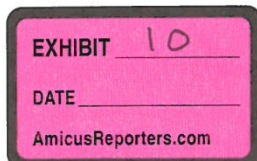
- A. implements the use of Department in-car video systems.
- B. establishes the policies and procedures for the use, maintenance, and repair of in-car video systems.
- C. establishes the roles and responsibilities of Department members affected by the introduction of in-car video systems for the video and audio recording of incidents.
- D. establishes the requirements for viewing, retaining, and duplicating digitally recorded incidents.
- E. continues the use of the Digitally Recorded Data Viewing/Hold/ Duplication Request (CPD-65.224).
- F. identifies the Records Division as the Department repository and viewing location of digitally recorded data created by the in-car video systems.

**II. POLICY**

The Department is committed to protecting the safety and welfare of its members and the public. The in-car video systems can provide members with an invaluable instrument to enhance criminal prosecution by providing powerful evidence of criminal activity, limit civil liabilities, and objectively document officer conduct during individual interactions. Members assigned to a vehicle equipped with an in-car video system will use it pursuant to this directive.

**III. GENERAL INFORMATION**

- A. There is no expectation of privacy for Department members related to incidents recorded by in-car video systems. Supervisors, members of Bureau of Internal Affairs, and the Independent Police Review Authority (IPRA) investigators may request to review the digitally recorded data from a vehicle equipped with an in-car video system. Any digitally recorded data created by the in-car video system may be used without a Department member's permission for any official Departmental purpose.
- B. The in-car video system will **automatically engage audio and video recording** when the vehicle's emergency-roof lights are activated. However, Department members may manually activate the in-car video system without the activation of the emergency equipment. At the conclusion of the incident, Department members must manually disengage all recording processes, regardless of what method activated the in-car video system.
- C. The Records Division will be the custodians of the digitally recorded data and will be responsible for the retention, duplication, and viewing of the in-car video systems. The Director, Records Division, will establish retention, viewing, and duplication procedures that provide for inventory control, the security of the digitally recorded data, and authorized duplications.
- D. All digitally recorded data created by the in-car video systems will be retained by the Records Division for a minimum of 90 days. Digitally recorded data that is marked and held as having evidentiary or training value will be retained as prescribed by law and established Department policy.
- E. In general, minor infractions and minor deviations from Department policy observed through the review of digitally recorded data will not be subject to the disciplinary process and will be treated as a training opportunity.



#### IV. RECORDING GUIDELINES

- A. Department members will use only Department-issued video and audio recording equipment.
- B. Department members will conform to all laws and Department policies concerning the use of the in-car video system for the video and audio recording of incidents.
  - 1. Department members are lawfully permitted to video record individuals without their consent if they are on the public way or in public view.
  - 2. Department members who are in uniform and have identified their office are lawfully permitted to simultaneously audibly and visually record individuals without their consent whenever:
    - a. the member is conducting an enforcement stop, **or**
    - b. the patrol vehicle emergency lights are activated or would otherwise be activated if not for the need to conceal the presence of law enforcement.

**NOTE:** Any reports completed for an audibly recorded incident, including Traffic Stop Statistical Study - Driver Information Cards (CPD-21.103), Traffic Stop Statistical Study Stickers (CPD-15.516), and Personal Service Citations, must include the initial violation or investigatory need that led to the stop.

**NOTE:** Department members may audibly record an enforcement stop regardless of the subsequent enforcement action taken.

- 3. Department members may audibly and visually record an individual with the consent of the individual.
- C. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to simultaneously audibly and visually record the entire incident for all enforcement stops.
- D. Uniformed Department members assigned to vehicles equipped with in-car video systems will activate the system to visually record the entire incident for all:
  - 1. arrests and transports.
  - 2. nonpursuit emergency vehicle operations.
  - 3. any situation that the member, through training and experience, believes to serve a proper police purpose.
- E. During the recording of an incident, Department members will not disengage the in-car video system until the entire incident has been recorded.

**NOTE:** Department members will be required to justify any disengagement of the in-car video system prior to the entire incident being recorded.
- F. If recorded, felony and misdemeanor arrests, motor vehicle pursuits, traffic crashes resulting in property damage, personal injury, or a fatality, DUI incidents, and failure to yield to an emergency vehicle will be automatically stored by the in-car video system indefinitely when the correct event is selected from the postevent pop-up menu. All other incidents will be automatically stored for ninety days.
- G. If digitally recorded data will be needed in judicial proceedings beyond ninety days, members will place an extended hold on that digitally recorded data as described in Item VIII of this directive, including but not limited to the following circumstances:
  - 1. Traffic stops other than DUI,



2. Enforcement stops,
  3. Other traffic crash investigations, and
  4. Stops for citizen assistance.
- H. When a complaint against a Department member is received that involves a digitally recorded incident, the investigating member will request an extended hold on the data.
- I. Assigned supervisors will request an extended hold on all digitally recorded motor vehicle pursuits and traffic crashes involving Department vehicles.

## V. DEPLOYMENT OF THE IN-CAR VIDEO SYSTEMS

- A. Commanding officers of units with vehicles equipped with in-car video systems will:
1. ensure that vehicles equipped with in-car video systems are evenly distributed for use by all watches.
- NOTE:** Commanding officers will ensure the units assigned to traffic duties in district law enforcement use vehicles equipped with in-car video systems.
2. whenever feasible, ensure vehicles equipped with the in-car video systems are deployed every tour of duty and service is requested for inoperable vehicles equipped with in-car video systems.
- B. The station supervisors will:
1. deploy every vehicle equipped with a functional in-car video system during the tour of duty.
  2. ensure digitally recorded data is downloaded from the in-car video systems.
  3. whenever operationally feasible, review video of any arrest recorded by the in-car video system as part of the approval of probable cause.

## VI. OPERATIONAL PROCEDURES

- A. Department members assigned to a Department vehicle equipped with an in-car video system will:
1. at the beginning of a tour of duty:
    - a. visually inspect the in-car video system equipment for damage.
    - b. obtain the remote transmitter/audio recorder and ensure it is securely attached to the member's person.
    - c. follow the start-up procedures for the in-car video system as trained and ensure the system is working properly.
- NOTE:** Members will immediately notify a supervisor if, at any time, the in-car video system is inoperable, damaged, the equipped vehicle becomes inoperable, or the remote transmitter/audio recorder is missing.
2. during the tour of duty:
    - a. audibly and visually record events in accordance with this directive.
    - b. annotate all reports, including Contact Information Cards (CPD-21.101), prepared for an event which has been recorded by listing "**Video Recorded Incident**" at the end of the narrative portion.

- c. after an incident has been recorded, use the post-event pop-up menu to select the most serious recorded occurrence as the event type and enter other event information.

**NOTE:** If the member did not use the postevent pop-up menu to mark the incident as being held for evidence, the member will request an extended hold on digitally recorded data in accordance with Item VIII of this directive.

- d. if the in-car video system indicates that the memory required to record incidents is becoming low or if the member observes that less than 30 minutes of recording time is available, download the digitally recorded data.
3. at the conclusion of a tour of duty:
- a. verify the in-car video system is working properly.
  - b. initiate the downloading of the digitally recorded data.

**NOTE:** Members will immediately notify a supervisor if unable to complete the downloading of digitally recorded data due to technical problems.

- c. shut down the in-car video system and logoff the system.
- d. return the remote transmitter/audio recorder to the designated area for charging.

B. The sergeant assigned to supervise Department members using Department vehicles equipped with an in-car video system will:

- 1. monitor subordinates to ensure the in-car video system is used and that digitally recorded data is properly downloaded.
- 2. ensure that the Help Desk is contacted and a ticket number is obtained whenever any member is unable to use the in-car video system or download digitally recorded data due to technical problems.
- 3. initiate an investigation when notified of a missing or lost remote transmitter/audio recorder.
- 4. document on the Supervisor's Management Log (CPD-11.455):
  - a. whether each vehicle has an in-car video system and if it is functioning.
  - b. all responses related to malfunctions of vehicles equipped with in-car video systems.
  - c. digitally recorded data downloaded to land-based terminals, noting any units unable to complete the download and the Help Desk ticket number obtained.
  - d. any request submitted for an extended hold of digitally recorded data.
  - e. any instances of additional training, corrective measures, or disciplinary actions.
- 5. document on the Traffic Pursuit Report (CPD-22.958) or traffic crash report that the incident has been digitally recorded.
- 6. obtain a complaint register number and order an evidence technician to process the equipment if any damage or malfunction is suspected to have been caused by deliberate (tampering) means.

C. Station supervisors will:

- 1. designate a sergeant responsible for monitoring the downloading of digitally recorded data for the watch.

2. record the total number of vehicles equipped with in-car video systems deployed during the watch and the total number of these vehicle that do not have a functioning in-car video system, if any, on the Watch Incident Log (CPD-21.916).
  3. ensure the status of vehicles equipped with in-car video systems is recorded on the Personal Equipment Log (CPD-21.919) by recording the word "VIDEO" in the "Camera/Tripod No." column.
  4. if an in-car video system malfunctions or the system or vehicle becomes inoperable **during** the tour, record the vehicle and beat numbers and the words "VIDEO DOWN" on the Watch Incident Log.
- D. When digitally recorded data is determined to have evidentiary or training value, or a complaint against a Department member is received that involves a digitally recorded incident, the supervisor reviewing the recorded data will request an extended hold on the data.

## VII. DOWNLOADING DIGITALLY RECORDED DATA FROM THE IN-CAR VIDEO SYSTEM

- A. When downloading digitally recorded data from the mobile unit of an in-car video system to a land-based terminal, Department members will:
1. download the data in accordance with the manufacturer's guidelines and training.
  2. ensure the download of data was complete and return the vehicle back into service.
- B. With the approval of the station supervisor in the district of occurrence, special requests for the immediate viewing of digitally recorded data from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA will be processed for major incidents where an in-car camera system may be reasonably expected to have captured a component of the incident.
1. Major incidents include, but are not limited to:
    - a. police-involved shootings,
    - b. serious injury or death to a Department member,
    - c. serious injury or death to a member of the public.
  2. Special requests for viewing digitally recorded data will be made to the station supervisor in the district of occurrence, who will:
    - a. evaluate the request;
    - b. determine if the need for retrieval outweighs the operational impact of the vehicle being taken out of service; and
    - c. notify Crime Prevention and Information Center (CPIC) of the decision.
  3. Special requests will be in the form of one of the following types:
    - a. Special wireless upload, or
    - b. Emergency on-site retrieval.
- C. Special Wireless Uploads
1. The station supervisor in the district of occurrence will take the vehicle out of service and secure it at the unit of assignment or other appropriate location.
  2. The supervisor will:
    - a. verify that the vehicle operator or partner is signed on to the in-car camera system;
    - b. instruct the member to manually flag the entire tour of duty's available video for upload;

- c. instruct the member to initiate a manual upload of this video with the vehicle in range of the facility's wireless hotspot; and

**NOTE:** If video cannot be uploaded via wireless hotspot, a cradle upload will be used.

- d. ensure that the vehicle remains out of service until the upload is complete.
3. Once complete, the station supervisor will allow personnel from the Bureau of Detectives, Bureau of Internal Affairs, or IPRA, as appropriate, to review the uploaded files.

**NOTE:** For officer-involved shootings when an On-Call Incident Commander (OCIC) will respond, an emergency on-site retrieval will be immediately requested through CPIC.

4. The station supervisor may identify an alternate vehicle for the member to use while the identified vehicle completes its video upload, as appropriate.
5. If an attempt to wirelessly upload is unsuccessful, members may contact the City of Chicago Help Desk at 4-DATA for assistance.
6. If a wireless upload fails, an emergency on-site retrieval will be conducted.

D. Emergency On-Site Retrieval

1. The station supervisor in the district of occurrence will notify CPIC of an approved emergency on-site retrieval.

**NOTE:** An emergency on-site retrieval will only be conducted when an OCIC is responding or a wireless upload fails and contacting the City of Chicago Help Desk at 4-DATA has not resolved the problem.

2. CPIC will notify the Public Sector Information Technology (PSIT) Group personnel of a manual video retrieval from the "fail-safe" internal drive request.
3. The station supervisor in the district of occurrence will take the identified vehicle out of service during the retrieval process.
4. If the identified vehicle is still in use when the designated supervisor arrives at the unit facility or other appropriate location, the supervisor will report to the vehicle and instruct any member logged onto the system to log off the system.
5. The vehicle will remain out of service until PSIT responds and conducts the video retrieval.

**NOTE:** On-site review of video will be limited to the series of events and time frame giving rise to the alleged incident.

E. Viewing and Obtaining Copies of In-Car Video Recordings

1. Once retrieval has been completed for the requested time frame, the video may be viewed by personnel from the requesting party at the location of retrieval.
2. Requests for copies of in-car video recordings will be made by completing the form entitled "Digitally Recorded Data Viewing/Hold/Duplication Request" (CPD-65.224) and forwarding it to the Records Division.

F. The Managing Deputy Director, PSIT, will:

1. establish procedures to ensure the security of the digitally recorded data from downloading to storage by the Records Division.

2. develop a system to monitor the memory capacity of the land-based terminals and provide for the security of the downloaded data.
- G. If members are unable to download digitally recorded data from the mobile unit of the in-car video system to the land-based terminals due to system inoperability:
1. the station supervisor will notify the Help Desk and follow any further instructions given by the responding member of PSIT.
  2. A designated member of PSIT will respond to the requesting unit and:
    - a. ensure the security of the digitally recorded data.
    - b. perform a manual download of the digitally recorded data.
    - c. record the manual download on the Help Desk ticket.

#### VIII. REQUESTING A HOLD FOR DIGITALLY RECORDED DATA

- A. Department members will place an extended hold on digitally recorded data they recorded using the postevent pop-up menu on the in-car video system.
- B. **Within the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will request that a supervisor place the extended hold by using the land-based terminal at the district/unit station.
- C. **After the first 48 hours** from downloading digitally recorded data from the vehicle, Department members **who do not use the postevent pop-up menu** and request an extended hold on digitally recorded data will:
  1. complete the Digitally Recorded Data Viewing/Hold /Duplication Request form.
  2. indicate on the form the necessary actions by the Records Division.
  3. explain in the narrative portion of the form the reason for the request.
  4. submit the form to the station supervisor/designated unit supervisor for approval.
  5. submit the completed and approved form to the Records Division for processing and retention in accordance with existing records-retention requirements.
- D. Department members who wish to remove an extended hold on digitally recorded data will follow the procedures outlined in Item VIII-C of this directive indicating the circumstances requiring the removal of the extended hold.
- E. The Director, Records Division, will:
  1. develop a cataloging system for storage and retrieval of recordings and procedures for ensuring archives are maintained consistent with Department directives (including the Forms Retention Schedule), applicable state and federal laws, and compliance with all court orders.
  2. be responsible for retaining digitally recorded data for which an extended hold was requested as prescribed by law and established Department policy.

#### IX. VIEWING, RETAINING, AND DUPLICATING DIGITALLY RECORDED DATA

- A. All digitally recorded data created by the in-car video systems are the property of the Chicago Police Department. **Dissemination of any digitally recorded data outside the Department is strictly prohibited without specific authorization by the Superintendent or an appointed designee.**
  1. Any non-Departmental requests for duplication of digitally recorded data must be approved by the Superintendent or an appointed designee.

2. All approved requests will be forwarded in an expeditious manner to the Director, Records Division, along with:
  - a. a completed and approved Digitally Recorded Data Viewing/Hold/Duplication Request form, and
  - b. written instructions, including dissemination information, for compliance with the request.
- B. Department members assigned to vehicles equipped with in-car video systems and their supervisors are encouraged to use the review/ playback functions of the system for the purposes of:
  1. developing familiarity with the functions, capabilities, and limitations of the in-car video systems to create consistent recording techniques which capture relevant actions.
  2. searching for and identifying recorded events having evidentiary or training value.
  3. reviewing approach and officer safety issues.
  4. ensuring consistency with written reports.
- C. Reviewing Digitally Recorded Data

Investigating members may view digitally recorded data in the performance of official police business. When it is necessary to view digitally recorded data stored by the Records Division, the following procedures will apply:

1. The requesting Department member will:
  - a. prepare a Digitally Recorded Data Viewing / Hold / Duplication Request form, including approval of the requestor's station supervisor/designated unit supervisor.
  - b. schedule an appointment to view the recorded incident with a Records Division supervisor (or an appointed designee) to ensure the availability of a technician and playback equipment.
  - c. present the properly completed and approved form to a Records Division supervisor at the scheduled time.
2. A Records Division supervisor will:
  - a. process all approved recorded incident review requests.
  - b. assign a technician to assist the requestor in viewing the recorded incident, as required.
- D. Obtaining a Video Recording
  1. A duplicate copy of selected information may be made to retain that information:
    - a. when it is not required that the master video be retained for an indefinite period (e.g., investigation of a routine administrative incident when the punishment is of a summary or minor nature).
    - b. when the requesting member determines that a duplicate video of a master video will be sufficient.
  2. A duplicate video recording may be obtained by:
    - a. completing a Digitally Recorded Data Viewing / Hold / Duplication Request form and submitting the completed form to the station supervisor/designated unit supervisor for approval.
    - b. notifying the Records Division that a duplicate video recording is required and submit the approved Digitally Recorded Data Viewing/Hold/ Duplication Request form to the Director, Records Division.

- c. indicating to the Records Division which information from the digitally recorded data is to be included on the duplicate video recording.
3. When the duplicate video recording has served the purpose for which it was made, the requesting member will ensure that it is immediately returned to the Records Division.

**NOTE:** A member requesting a duplicate video recording will not make additional copies of it or permit unauthorized persons to duplicate or view it under any circumstances.

E. Special Situations

When the Records Division receives a request for an extended hold of digitally recorded data that indicates it pertains to:

1. **a motor vehicle pursuit or traffic crash involving a Department vehicle**, the Director, Records Division, will ensure a duplicate video is forwarded to the Traffic Review Board.
2. **an incident having training value**, the Director, Records Division, will ensure a duplicate video is forwarded to the Deputy Chief, Education and Training Division.

(Items indicated by italics/double underline were revised or added.)

Authenticated by: RMJ

Garry F. McCarthy  
Superintendent of Police

11-055 / 12-003 EGV/RJN



20 Oct 2014 , HY475653

Page 1 of 1

**20 Oct 2014 , HY475653**

Becvar, Lance J.

Sent: Friday, July 17, 2015 12:33 PM

To: Lewin, Jonathan H.

Cc: Dziak, Steven E.

Hello Dep Lewin,  
Per your request the findings related to the Aggravated Assault / Police involved Shooting on 20 Oct 2014 Listed under RD# HY 475653:

Findings from that night-

Veh 8779 Video Recovered Titled [REDACTED]@20141020215250, No MICs because they were in the Glove Compartment with the batteries inserted upside down - Disabling them.

Veh 8489 System not engaged because a very long video (like hours long) was made previous to this event/incident and the system was processing that video and unable to start another video.

Veh 8765 System not engaged, officer related no power. There was no open HDT called in on vehicle. MICs not sync'd to system even though they were in the charging cradles.

Veh 6412 Video Recovered Titled [REDACTED]@20141020215250 view out of focus. Focusing problem found to be related to a loose cable connection for the camera. No MICs in vehicle and the charging cradles disconnected from power.

Veh 8949 System not engaged, officer reported that there was an application error - Mobile Recorder Start-Up corrupted. No Help Desk Ticket Open for this vehicle.

Sgt Lance Becvar

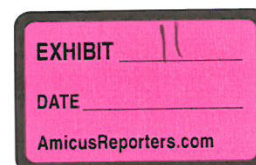
MobileTech Supervisor

Information Services Division

Chicago Police Department

Cell# 312-446-3305

E-mail: [lance.becvar@chicagopolice.org](mailto:lance.becvar@chicagopolice.org)



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Opt-Out: +

OIG 15-0564 013623



SUPPLEMENTARY REPORT

ASSAULT- AGG PO: KNIFE/CUT INSTR 0552 4000 S KARLOV

P.O. GAFFNEY # 19958 / P.O. VAN DYKE # 12865

3420 W 63RD ST

STREET

20 OCT 14 2157

815

9210

304

PROPERTY TYPE	PROPERTY VALUE	PROPERTY TYPE	PROPERTY VALUE	PROPERTY TYPE	PROPERTY VALUE
VEHICLE		VEHICLE		VEHICLE	
JEWELRY		JEWELRY		JEWELRY	
TOOL		TOOL		TOOL	
WEAPON		WEAPON		WEAPON	
OTHER		OTHER		OTHER	

SEE ORIGINAL CASE INCIDENT REPORT

PLATE NO	VEHICLE NO	VEHICLE NO	VEHICLE NO	VEHICLE NO	VEHICLE NO

IN SUMMARY: R/S CONTINUED BY CPIC AT 2230;  
 20 OCT 14 FOR IN CAR CAMBORA (ICC) VIDEO RETRIEVAL ON SEARS 4100 S.  
 PALASKI REPORTED TO THE ABOVE LISTED INCIDENTS. REQUEST WAS FROM  
 ARMY CONTRACT DETACHMENT DIVISION SGT D GALLAGHER UPON  
 ARRIVAL BT 813R VEH 8779; BT 815R VEH 8489; BT 822 VEH 8765;  
 BT 845R VEH 6412; & BT 841R VEH 8948 WERE SUBJECTS OF ICC  
 VIDEO CHECK/RETRIEVAL CHECKS OF THESE VEHICLES PERFORMED THE  
 LISTED FINDINGS:

BT 813R VEH 8779	VIDEO RECOVERED [REDACTED] @ 20141020 215250
BT 815R VEH 8489	OPERATIONAL BUT DUE TO DISC ERROR NO VIDEO RECORDED
BT 822 VEH 8765	NOT UNAVAILABLE - OFFICER REPORTED POWER ISSUE
BT 845R VEH 6412	VIDEO RECOVERED [REDACTED] @ 20141020 215250
BT 841R VEH 8948	NOT UNAVAILABLE - OFFICER REPORTED APPLICATION ERROR

Recovered Video Manually up load and Retrieved 002/ACOD ICC System

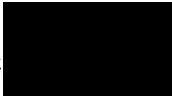
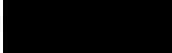
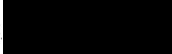

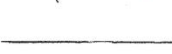
REPORTING OFFICER (PRINT NAME)	STATION	DATE THIS REPORT SUBMITTED	DATE	REPORTING OFFICER (PRINT NAME)	STATION
Sgt. L. BUCAR 1748		21 OCT 14			
SIGNATURE		SIGNATURE		SIGNATURE	

EXHIBIT 12  
 DATE  
 AmicusReporters.com

## In Car Camera Video Retrieval Work Sheet

Date & Time of Notification: 20 Oct 14 2230 hrs Related HDT# DP3 CMD  
 Requestor: Dist Chief McNamara Tech: Bucvar  
 Location of response: 4100 S Pulaski  
 Type of Incident requiring retrieval: POLICE INVOLVED SHOOTING - FATAL OFFICER  
 Location of Incident: 4100 S Pulaski Date & Time of Incident 20 Oct 14 2147  
 Related RD#, Event#, and/or CR Log#: HX475453

Vehicles to be checked:

813R	Veh# <u>8778</u>	POs PC#:		Results: <u>215250 214218 M400 30000214</u>
815R	Veh# <u>8489</u>	POs PC#:		Results: <u>@20141020 214218</u>
822	Veh# <u>8765</u>	POs PC#:		Results: <u>215250 214218 M400 30000214</u>
845R	Veh# <u>6912</u>	POs PC#:		Results: <u>@20141020 214218 M400 30000214</u>
841R	Veh# <u>8948</u>	POs PC#:		Results: <u>1405 NO OPEN 1405</u>

List additional Vehicle to be checked and results on back of this form

**Note:** Any vehicles identified to be checked, will be evaluated for operational readiness as well. Any deficiencies of the ICC System will be noted i.e. MIC(s) are not sync'd; rear camera not working; cannot upload; etc. Actions to rectify the issue should be taken to render the system FULLY FUNCTIONAL!

Notes of work or activities performed:

8778: Mics in Glove Box Portables Reinserted UPSIDE DOWN  
 → FULLY OP  
 8489: PROCESSING VIDEOS: EXTREMELY LARGE VIDEO FILE  
 8765: Mics IN CHARGING CRADLE; NOT SYNC'D TO SYSTEM  
 6912: No Mics; MIC CHARGER DISCONNECTED  
 8948

THIS INFORMATION DISCLOSED TO BATTERIES, DC MONITORING, & CDS  
 Tech: DIST SUPERVISORS ON SCENE  
 DURING VIEWING

